

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-28-89

89-0731-03E
FILED
In the office of the Secretary of State
of the State of California

AUG 8 1989

At 4:32 o'clock P. M.

MARCH FONG EU, Secretary of State

By Joella Cruz
Deputy Secretary of State

1989 JUL 31 PM 2 5
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
AUG - 8 1989

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MRP
SECTIONS ADOPTED: 63-089
SECTIONS AMENDED: 63-407.8
SECTIONS REPEALED: _____
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
b. DATE OF FINAL AGENCY ACTION
July 28, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
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FILING REQUIREMENTS

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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt new Section 63-089 ^{OF THE MPP} to read:

63-089 IMPLEMENTATION OF FOOD STAMP EMPLOYMENT AND 63-089
TRAINING PROGRAM REIMBURSEMENT REGULATIONS

Effective August 11, 1989, CWDs shall implement the following
provisions relating to the Food Stamp Employment and Training
Program requirements: 63-407.81 and 63-407.83.

Authority Cited: Sections 10553, 10554, and 18902 of the Welfare
and Institutions Code.

Reference: Sections 18902 and 18904 of the Welfare and
Institutions Code.

Amend Sections 63-407.811 and .83 ^{1 OF THE MPP} to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.8 Food Stamp Employment and Training Program

.81 CWD Screening

The CWD shall screen each work registrant to determine whether or not the registrant will participate or be deferred from the FSET Program. This requirement shall not apply in counties that are totally geographically excluded as allowed in Section 63-407.842.

- .811 The following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists.

(a) (Continued)

(b) (Continued)

(c) A person who is unable to participate due to personal circumstances. This shall include persons who:

(1) Lack ~~child~~ dependent care;

(A) (Continued)

(B) Lack of ~~child~~ dependent care shall be determined if ~~child~~ dependent care costs ~~plus other costs of participation~~ exceed ~~\$25.00~~ \$160.00 per month per dependent.

(2) Lack transportation to an FSET Program site;

(A) (Continued)

(B) Transportation costs plus other costs of participation (excluding dependent care costs) exceed \$25.00 per month.
(Continued)

•83 Participant reimbursement

As of July 1, 1989 and thereafter the CWD shall reimburse participants, including volunteers and applicants, for transportation, child care or other costs that are reasonably necessary and directly related to participation up to \$25.00 per participant per month as follows:

•831 For transportation and other costs (except for dependent care costs), up to \$25.00 per participant per month.

•832 For dependent care costs, the actual cost in an amount not to exceed \$160 per month per dependent.

(a) In lieu of providing reimbursements or payments for dependent care, the CWD may arrange for care through providers by use of purchase of service contracts or vouchers or by providing vouchers to the household.

(b) Reimbursement, payment, or arrangement for dependent care shall not be made to an individual who is the caretaker relative of a dependent in a family receiving Aid to Families with Dependent Children.

•8313 If a method has been approved in the State Plan for the CWD to provide allowances that reflect approximate costs of transportation and other costs of participation (except dependent care) rather than reimbursements, participants shall be provided an opportunity to claim actual expenses which exceed the CWD standard, up to \$25.00.

Authority Cited: Sections 10553, 10554 and 18902 of the Welfare and Institutions Code.

Reference: Section 404c of Public Law 100-435.

7 U.S.C. § 2015 (d) (4)(I)

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

AUG 8 1989

At 4:32 o'clock P. M.
MARCH FONG EU, Secretary of State
By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0731-03



LINDA BREWER
DIRECTOR

08/08/89

FACE SHEET

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WITH THE OFFICE OF ADMINISTRATIVE LAW

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State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-20-89

RDB #1088 48

FILED

In the office of the Secretary of State
of the State of California

AUG 23 1989

At 4:58 o'clock P. M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE
Rosalie Clark, Chief, Regulations Development Bureau
TELEPHONE
(916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
SECTIONS AMENDED:
11-702 and 11-710
SECTIONS REPEALED:
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: Not Applicable
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
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☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
March 3, 1989
b. DATE OF FINAL AGENCY ACTION
JUL 20 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
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c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
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Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☒ Effective on 10-01-89 (Designate effective date *later than* the normal effective date for the type of order filed.)

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FILING REQUIREMENTS

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- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

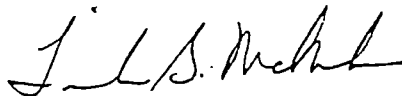
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend Section 11-702.1 and renumber the last sentence of .1 and .2; adopt Sections 11-702.3 and .4 to read:

11-702 GENERAL REQUIREMENTS

11-702

- .1 ~~Annually~~ Each District Attorney shall submit annually to SDSS a list of all eligible cases/. ~~except those eligible cases in which the District Attorney is attempting to collect through other enforcement actions/~~
- .2 ~~The District Attorney must document the case files of those cases exempted in 11 above to support their exemption.~~ Eligible cases ~~are to~~ shall be submitted ~~in a manner and time frame as prescribed by SDSS/ in Manual of Policies and Procedures Sections 11-703 and 11-704.~~
- .3 The District Attorney shall conduct an annual review to determine which cases require a social security number to qualify for tax refund intercept.
- .4 When necessary for submission, the District Attorney shall obtain the obligor's social security number within 180 days from the date the case is identified as being deficient. Whenever a District Attorney has exhausted all available resources and the social security number is still unavailable, the District Attorney shall document all actions taken in the case file.

Authority Cited: Sections 10553, 10554, and 11475, Welfare and Institutions Code.

Reference: Section 11475, Welfare and Institutions Code; 45 CFR 303.72; and 45 CFR 303.102.

Amend Section 11-710.1 to read:

11-710

UPDATES

11-710

- .1 District Attorneys shall update at least monthly the individual case arrearage amounts and submitted the updates to FTS and IRS when county information indicates that an error or an excess amount will be intercepted if county action is not taken SDSS at least monthly when the certified arrearage amount has been reduced by any amount during that month. (Continued)

Authority Cited: Sections 10553, 10554, and 11475, Welfare and Institutions Code.

Reference: Section 11475, Welfare and Institutions Code; 45 CFR 303.72(d)(2); and 45 CFR 303.102(b)(2).

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

AUG 23 1989

At 4:58 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Lowella*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0725-01

Linda Brewer

LINDA BREWER
DIRECTOR

08/23/89

FACE SHEET

(See Instructions on Reverse)

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AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

7-20-89

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In the office of the Secretary of State
RDB #0786

AUG 23 1989

At 4:58 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

1989 JUL 24 PM 12:52

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

APPROVED FOR FILING

AUG 23 1989

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) **Rosalie Clark, Chief, Regulations Development Bureau** TITLE TELEPHONE **445-0313**

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
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- ☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title

SECTIONS AMENDED:

30-002 and 004

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

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(SPECIFY AGENCY)

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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Memorandum

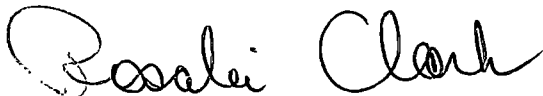
To : Office of Administrative Law
555 Capitol Mall, Suite 1290
Sacramento, CA 95814

Date : July 14, 1989

Subject : Division 30
Nonregulatory
Changes

From : Department of Social Services

The attached package RDB #0789-21 contains changes to the Department's Manual of Policies and Procedures Division 30 Sections 002 and 004. The primary reason for these changes is that Penal Code Section 11165 changed its subsection identification from an alphabetical to a numerical designation. In most instances the statute text remains unchanged. Nevertheless there is a need for our regulations to reflect the correct citations. Also section 30-004.11 is further amended to correct a program title reference used in the text. It is the Department's position that these changes are nonsubstantive in nature and without regulatory effect. These technical corrections are intended to maintain clarity and consistency with current program requirements. Should there be any questions or concerns with this action please contact our office at 445-0313.



Rosalie Clark, Chief
Regulations Development Bureau

Attachments

Amend Section 30-002 to read:

30-002 DEFINITIONS

30-002

(a) (Continued)

(1) (Continued)

(2) "**Physical abuse**" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165~~4~~(.3) and ~~4~~(.4) as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

(3) (Continued)

(4) "**Sexual abuse**" means the victimization of a child by sexual activities, including but not limited to those activities defined in Penal Code Section 11165~~4~~1(a) as "sexual assault." (Continued)

(i) "**Exploitation**" means forcing or coercing a person into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165~~4~~21(c). (Continued)

(t) "**Neglect**" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165~~4~~2. (Continued)

(jj) "**Unfounded report**" means a report or referral of alleged child abuse, neglect, or exploitation that, upon investigation by emergency response staff, is found to be as described by Penal Code Section 11165.172. (Continued)

Amend Section 30-004.1 to read:

30-004 PERSONS SERVED

30-004

Each service program shall be made available to persons who meet requirements relating to both of the following:

.1 Eligibility.

- .11 All persons without regard to income are eligible for Information and Referral Services (30-050), ~~Protective Services for Children~~ Emergency Response (30-100) and Protective Services for Adults (30-~~130800~~). However, when these services or other services set forth in 10-330 are funded through Emergency Assistance - Abused, Neglected or Exploited Children (EA-ANEC), the child and/or the child's family must meet the following criteria: (Continued)
- .13 Persons eligible for In-Home Supportive Services are specified in 30-~~430700~~.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

AUG 23 1989

At 4:58 o'clock P. M.

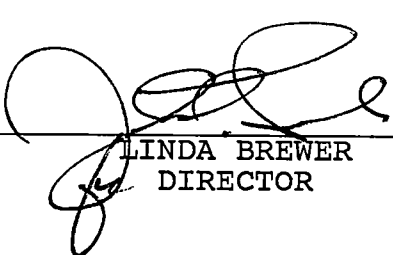
MARCH FONG EU, Secretary of State

By Lorella Ching
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0724-01


LINDA BREWER
DIRECTOR

08/23/89

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RDB #1288-61

FILED

In this office of the Secretary of State
of the State of California

AUG 24 1989

At 4:58 o'clock P.M.

MARCH LONG EU, Secretary of State

By Robert L. Long
Deputy Secretary of State

FILING State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

For use of Office of Adm Law

Date:

7-18-89

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one)



30-day Review



Emergency



Certificate of Compliance
(Complete Part 4 below)



Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)



Nonsubstantive changes with nonregulatory effect



Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

15-600

SECTIONS AMENDED:

See attached

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: 15-110, 15-115, 15-121, 15-130, 15-210, 15-410, 15-515

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)



prior to the emergency adoption



within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?



No



Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?



No



Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)



Fair Political Practices Commission
(Include FPPC approval stamp)



Building Standards Commission
(Attach approval)



State Fire Marshall (Attach approval)



Department of Finance (Attach properly signed Std. 399)



Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

March 3, 1989

JUL 18 1989

June 14, 1989 to June 29, 1989

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)



Effective 30th day after filing with the Secretary of State.



Effective upon filing with the Secretary of State.



Effective on _____ as required or allowed by the following statute(s): _____



Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.



Effective on 10-1-89 (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations:

Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.

Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)

b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).

Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).

Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.

Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.

Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.

b. Provide the date on which the regulatory agency adopted the regulatory changes.

c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.

Part 9. Effective Dates — check one of the following:

- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

15-100, 15-105, 15-110, 15-115, 15-120, 15-121, 15-122, 15-123,
15-125, 15-130, 15-200, 15-205, 15-300, 15-305, 15-310, 15-400,
15-410, 15-500, 15-510, 15-515, 15-520


DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Amend and renumber Sections 15-000, 15-110, and 15-115 as follows:

DIVISION 15 CORRECTIVE ACTION AND COUNTY QUALITY CONTROL
~~CORRECTIVE ACTION PROGRAMS~~

CHAPTER 15-0100 GENERAL

15-00110 GENERAL STATEMENT

15-00110

The requirements set forth in this Division are necessary to insure commitment to eligibility and benefit error reduction in the AFDC program and provide an effective means for intergovernmental participation in the quality control/corrective action process.

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HANDBOOK BEGINS HERE

The requirements set forth in this Division are necessary to insure commitment to eligibility and benefit error reduction in the AFDC and Food Stamp Programs and provide an effective means for intergovernmental participation in the corrective action and quality control processes.

HANDBOOK ENDS HERE

15-1120 DEFINITIONS

15-1120

(a)(1) AFDC Program Payment Error Rate - The percentage of total aid payment expenditures misspent through payments to ineligible AFDC-FG/U recipients and overpayments to eligible AFDC-FG/U recipients divided by the total dollars in the review sample as of the end of the review period.

*1(A) Overpayment - The amount paid to an eligible AFDC-FG/U recipient in excess of the proper amount of correct payment.

*2(B) Ineligibles - AFDC-FG/U recipients that have been paid but do not qualify for aid.

(b) [Reserved]

d-(c)(1) Reliability and Confidence Interval and Reliability - Reliability is a figure, usually expressed as a plus or minus. (e.g., plus or minus 1.0 percent) which indicates a range above and below the point estimate.

The error rate of the universe of cases will fall in this range with a specified level of confidence. The confidence interval is the total error rate range (e.g., 2.0 percentage points using the plus or minus one percent figure above.)

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Example - Assume that the same data provide that the point estimate is 4.0 percent with a reliability of + 2.0 percentage points at the 95.0 percent confidence level. The confidence interval ranges from 2.0 percent (4.0 percent - 2.0 percent) to 6.0 percent (4.0 percent + 2.0 percent). This means there is 95 percent probability that the error rate of the universe of cases is between 2.0 percent and 6.0 percent.

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Example - Assume that the same data provide that the point estimate is 4.0 percent with a reliability of plus or minus 2.0 percentage points at the 95.0 percent confidence level. The confidence interval ranges from 2.0 percent (4.0 percent - 2.0 percent) to 6.0 percent (4.0 percent + 2.0 percent). This means there is 95 percent probability that the error rate of the universe of cases is between 2.0 percent and 6.0 percent.

HANDBOOK ENDS HERE

(c)(2) Confidence Level - The degree of certainty that the payment error rate of the universe of cases (the payment error rate that would be found if all county cases were reviewed) will fall within the confidence interval.

(d) [Reserved]

(e) [Reserved]

h(f)(1) Federal Performance Measures

+(A) Federal Sanction /Incentive Pass-On

The point estimate of the county payment error rate including technical errors shall be used to measure county performance.

15-121.1 Performance Measure

The measure of county performance shall be the point estimate of the county's payment error rate including technical errors for the October through September period for which the federal sanction applies.

1-f.(2) Federal Performance Standards

1 Federal Sanction Pass-On

The payment error rate performance standard is established by the Federal Government and is incorporated by reference herein. Effective with the federal annual assessment period of October - September 1980-81, the performance standard is 4.0 percent.

2 State Sanctions

The payment error rate performance standard is established in the state's Budget Act and is incorporated by reference herein. The October-March 1980-81 performance standard is 4.0 percent. For the April-September 1981 review period, the performance standard is 3.75 percent.

15-121.2 Performance Standard

The performance standard used to assess county performance shall be the one used by the federal government in calculating the amount of the AFDC federal fiscal sanction.

(3) Federal Review Year -- October through September.

(4) Food Stamp Program Payment Error Rate - the sum of the overpayment error rate plus the underpayment error rate.

(A) Overpayment Error Rate - the percent of allotments issued to ineligible households or overissued to eligible households.

(B) Underpayment Error Rate - the percent of allotments underissued to recipient households.

1-f(5) Funds

For purposes of these regulations, funds are AFDC aid payment dollars paid by the county or food stamp allotments expended issued by the county.

(g) [Reserved]

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) [Reserved]

e-(l)(1) Lower Limit of the Point Estimate - The lowest number in a confidence interval. Using the example above in the definition of "Confidence Interval and Reliability", the lower limit would be 2.0 percent.

(m) [Reserved]

15-115.2(n)(1) Non-Quality Control Monitored County - Counties with less than 1,400 AFDC-FG/H cases may be reviewed on a point-in-time basis by the State Department of Social Services. A county which performs quality assurance and/or desk reviews but does not perform state-required quality control reviews. Non-quality control monitored counties may be reviewed on a point-in-time basis by SDSS.

(o) [Reserved]

b-(p)(1) Point Estimate of the Payment Error Rate - The total dollars paid funds in error in the sample divided by the total dollars paid funds in the sample. (See Section 15-305.)

15-115.1(q)(1) Quality Control Monitored County - Individual payment error rates shall be established for each county with at least 1,400 AFDC-FG/H cases. For this purpose, the number of cases a county has shall be determined prior to each October-March review period. A county in which annual state-required individual county payment error rates are established through county-performed quality control reviews.

g-(r)(1) Review Period - One of the two six-month quality control review periods each during the Federal Review Year -- October through March and April through September.

(s)(1) SDSS - The State Department of Social Services.

15-122(s)(2) AFDC Program State Performance Measure

County performance for state sanction purposes is measured by the lower limit of the county payment error rate excluding technical errors.

h2. State Sanctions

The measure of county performance shall be the lower limit of the county payment error rate confidence interval excluding technical errors shall be used to measure county performance for the October through September period for which the state sanction applies.

15-122(+23) AFDC Program State Performance Standards

The payment error rate performance standard is established annually by the Legislature in the State Budget Act.

f-(t)(1) Technical Errors - Errors resulting from the failure of a client or agency to follow a required procedure and for which correction would not change eligibility or the amount of the payment. Technical errors are usually found in the areas of Social Security enumeration and WIN registration. This technical error concept is not recognized in the federal AFDC or Food Stamp quality control systems.

(u) (1) Universe of cases - the total population of cases from which the sample is selected.

(v) [Reserved]

(w) [Reserved]

(x) [Reserved]

(y) [Reserved]

(z) [Reserved]

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18905, Welfare and Institutions Code.

Amend Chapter 15-200 title and Section 15-205 to read:

Chapter 15-200 ORGANIZATION FOR CORRECTIVE ACTION AND QUALITY CONTROL~~CORRECTIVE ACTION~~

15-205 ORGANIZATION

15-205

The ~~County~~ welfare department shall take the following measure in conjunction with the corrective action and quality control~~corrective action~~ process specified herein:

- 1 The active participation and commitment of county welfare department top management shall be required throughout the corrective action and quality control~~corrective action~~ process.
- 2 A departmental unit and individual shall be designated by the county welfare department as responsible for each phase of the quality control/corrective action process, and for the total county ~~quality control~~corrective action and quality control program;
- 3 The county welfare department shall designate an individual as Quality Control Coordinator who shall be responsible for coordination of the program's ~~quality control~~corrective action and quality control internally and with the Department of Benefit Payments SDSS;
- 4 The quality control error identification function shall be distinctly separate from the function(s) of eligibility determination and caseload maintenance.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Chapter 15-300 title and renumber and amend Sections 15-305 and 15-310 to read:

15-300 THE CORRECTIVE ACTION AND THE QUALITY CONTROL~~CORRECTIVE ACTION~~ PROCESS

15-31005 CORRECTIVE ACTION PROCESS

15-31005

The county welfare department shall implement a five-phase corrective action and quality control ~~corrective action~~ process meeting the specifications described below. [Continued]

15-30510 QUALITY CONTROL ERROR IDENTIFICATION PROCESS
[Continued]

15-30510

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Chapter 15-400 title and Section 15-410 to read:

CHAPTER 15-400 CORRECTIVE ACTION AND QUALITY CONTROL~~CORRECTIVE ACTION REPORTING~~

15-410 REPORTING

15-410

- 1 To facilitate effective use of information generated by the corrective action and quality control~~corrective action program~~, there shall be timely and complete reporting in a format approved by the State Department of Social Services SDSS.
- 2 The counties shall submit annually to SDSS a Corrective Action Plan and a progress report. The Corrective Action Plan is due no later than January 15 and shall include but not be limited to the results of the quality control reviews for the April through September period. ~~The progress report is due no later than July 1 and shall include but not be limited to the results of the quality control reviews for the October through March period.~~ [Continued]

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Chapter 15-500 and Sections 15-510, 15-515, and 15-520 to read:

15-500 FEDERAL FISCAL INCENTIVES

15-500

A portion of any AFDC-FG/U fiscal incentive payment received from the federal government shall be passed on to those counties where the performance measure is below the performance standard.

15-510 DEFINITIONS

15-510

1 Performance Measure

County performance shall be measured by the point estimate of the combined payment error rate for ineligibles, overpayments and underpayments.

11 Point Estimate of the Payment Error Rate -- The total dollars paid in error in the sample (see 15-305) divided by the total dollars paid in the sample.

12 Overpayments -- The amount paid to an eligible AFDC-FG/U recipient in excess of the proper amount of payment.

13 Ineligibles -- AFDC-FG/U recipients that have been paid but do not qualify for aid.

14 Underpayments -- The amount paid to an eligible AFDC-FG/U recipient below the proper amount of payment.

2 Performance Standard

The performance standard shall be the one used by the federal government in calculating the amount of the federal AFDC-FG/U fiscal incentive payments. Current regulations specify a performance standard of 4.0 percent.

15-5210 DISTRIBUTION OF FEDERAL INCENTIVE PASS-ON

15-5210

1 A portion of any AFDC FG/U or Food Stamp Program federal incentive shall be allocated among those quality control monitored counties where the federal performance measure is below the federal performance standard. The allocation shall be based on a methodology comparable to that used by the federal government in calculating the incentive payment.

- .2 The amount of the federal incentive subject to pass-on is equal to the percentage of statewide expenditures attributable to the quality control monitored counties (see ~~15-115~~) multiplied by the amount of the federal incentive. For purposes of these regulations, the term "federal incentive" shall refer to this reduced amount.
- .3 Upon receipt of a federal incentive payment, SOSS will issue quality control monitored counties their share of payment within 60 days.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18905, Welfare and Institutions Code.

Adopt a new chapter title 15-600 and renumber and amend Sections 15-100, 15-105, 15-115 in part, and 15-120 in part to read:

CHAPTER 15-600 FISCAL SANCTIONS

15-100605 FISCAL SANCTIONS-GENERAL

15-100605

- .1 The purpose of this chapter ~~is~~ shall be to describe the methodology that shall be used to apply fiscal sanctions when county performance in the administration of the AFDC-FG/U and Food Stamp programs does not meet established performance standards. County performance shall be measured through the review of a ~~statistically valid~~ randomly selected quality control sample.

15-105610 EFFECTIVE DATE

15-105610

- .1 The first annual periods for which sanctions shall be applicable ~~pursuant to these regulations is~~ are October through September 1980-81 for the AFDC Program and October through September 1989-90 for the Food Stamp Program.

15-1620 IMPOSITION OF FISCAL SANCTIONS
-GENERAL

15-1620

- ~~15-115.3~~ .1 Sanctions are applicable to only those quality control monitored counties for which error rates are regularly established. Two types of fiscal sanctions may be imposed on a county:

.11 Federal Sanction Pass-On

A portion of any federal sanction which is imposed on the state is subject to being passed on to the quality control monitored counties (see Section 15-1621).

.12 State Sanction (AFDC-Only)

A state sanction may be imposed on any quality control monitored county which exceeds the statewide performance standard for two consecutive ~~at~~ review periods (see Section 15-1622).

.121 If both the pass-on of a federal sanction and a state sanction apply for the same period, the state sanction may be waived or reduced pursuant to Section 15-1623.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code.

Amend and renumber Section 15-121 to read:

15-1621 FEDERAL SANCTION PASS-ON

15-1621

- .1 A portion of any AFDC or Food Stamp fiscal sanction imposed on the state by the ~~F~~federal ~~g~~government is subject to being passed-on to those counties where the whose federal performance measure exceeds the federal performance standard. However, for purposes of this section, a federal sanction pass-on amount shall not include any portion of an imposed federal sanction which results from any differences in state and federal program requirements.
- .2 The payment error rate performance standard used for pass-on of sanction liability shall be the national performance standard established by the federal government as specified below:

 - .21 The AFDC Program performance standard for the period October 1980 through September 1983 shall be the standard contained in the Labor, Health and Human Services, and Education Appropriations Act of 1980 (HR 4389, August 2, 1979, P.L. 96-86 Section 3101(j), P.L. 96-123 Section 101(q) and P.L. 96-38 Section 201). For the period October 1983 and onward, the standard shall be the standard contained in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).
 - .22 The Food Stamp Program performance standard for the period October 1982 through September 1985 shall be the standard contained in the Food Stamp Act of 1977 (P.L. 100-439). For the period October 1986 and onward, the standard shall be the standard as provided for in the Hunger Prevention Act of 1988 (P.L. 100-435).

Amend and renumber Section 15-121 to read:

15-~~1~~621 FEDERAL SANCTION PASS-ON

15-~~1~~621

- .1 A portion of any AFDC or Food Stamp fiscal sanction imposed on the state by the ~~F~~federal ~~G~~overnment is subject to being passed-on to those counties where the ~~whose~~ federal performance measure exceeds the federal performance standard. However, for purposes of this section, a federal sanction pass-on amount shall not include any portion of an imposed federal sanction which results from any differences in state and federal program requirements.
- .2 The payment error rate performance standard used for pass-on of sanction liability shall be the national performance standard established by the federal government as specified below:

 - .21 The AFDC Program performance standard for the period October 1980 through September 1983 shall be the standard contained in the Labor, Health and Human Services, and Education Appropriations Act of 1980. For the period October 1983 and onward, the standard shall be the standard contained in the Tax Equity and Fiscal Responsibility Act of 1982.
 - .22 The Food Stamp Program performance standard for the period October 1982 through September 1985 shall be the standard contained in the Food Stamp Act of 1977. For the period October 1986 and onward, the standard shall be the standard as provided for in the Hunger Prevention Act of 1988.

HANDBOOK BEGINS HERE

.23

CHART OF FEDERAL ERROR RATE
PERFORMANCE STANDARDS

REVIEW PERIOD	PROGRAM	
	AFDC	FOOD STAMP
October 1980-September 1981	4.0%	NONE
October 1981-September 1982	4.0	NONE
October 1982-September 1983	4.0	9.00%
October 1983-September 1984	3.0	7.00
October 1984-September 1985	3.0	5.00
October 1985-September 1986	3.0	11.39
October 1986-September 1987	3.0	11.27
October 1987-September 1988	3.0	(a)
October 1988-September 1989	3.0 (b)	(a)

(a) Standard is dependent on national error performance, but will not be higher than 11.27%.

(b) Standard is also in effect for subsequent periods.

HANDBOOK ENDS HERE

.3 Federal Sanction Subject to Pass-on

In recognition of the fact that the quality control monitored counties do not account for all statewide AFDC dollar or Food Stamp allotment errors, a portion of the federal sanction shall not be passed on to the quality control monitored counties. The amount of the federal sanction subject to pass-on is equal to the percentage of statewide AFDC expenditures or food stamp allotments attributable to the quality control monitored counties multiplied by the amount of the federal sanction. For purposes of these regulations, the term "federal sanction" shall refer to this reduced amount.

Example: If the monitored counties accounted for 98 percent of statewide expenditures of federal funds and the federal sanction was \$1,000,000 the federal sanction subject to pass-on would be \$980,000 ($\$1,000,000 \times 0.98$).

HANDBOOK BEGINS HERE

Example: If the quality control monitored counties accounted for 98 percent of statewide AFDC expenditures of federal funds and the AFDC federal sanction was \$1,000,000, the federal sanction subject to pass-on would be \$980,000 ($\$1,000,000 \times 0.98$).

HANDBOOK ENDS HERE

.4 Calculation of Federal Sanction Pass-On Amounts

The amount of a federal sanction which shall be passed on to any given county is equal to the lesser of the following:

- a. The amount of misspent federal funds above the federal performance standard in that county (see .41 below), or
- b. The county's proportionate share of the federal sanction subject to pass-on (see .423 below).

.41 Misspent Federal Funds Above the Federal Performance Standard

When the federal sanction subject to pass-on is more than the total amount of misspent federal funds above the federal performance standard for all quality control monitored counties with an annual performance measure above the federal performance standard, the county share of cost shall be determined. This is calculated by multiplying the amount by which the performance measure exceeds the performance standard times the amount of federal funds expended by the county.

Example: Assume four counties exceeded the performance standard of 4.0 percent:

County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard
A	6.0%	2.0%	\$ 1,000,000	\$ 20,000
B	7.0	3.0%	3,000,000	90,000
C	6.0	2.0%	4,000,000	80,000
D	8.0	4.0%	2,000,000	80,000
			<u>\$10,000,000</u>	<u>\$270,000</u>

HANDBOOK BEGINS HERE

.42 Example: Assume four counties exceeded a performance standard of 3.0 percent:

County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard
A	5.0%	2.0%	\$ 1,000,000	\$ 20,000
B	6.0	3.0	3,000,000	90,000
C	5.0	2.0	4,000,000	80,000
D	7.0	4.0	2,000,000	80,000
			<u>\$10,000,000</u>	<u>\$270,000</u>

HANDBOOK ENDS HERE

.423 Proportionate Share of the Federal Sanction Subject to Pass-On

When the federal sanction subject to pass-on is less than the total amount of misspent federal funds above the performance standard for all quality control monitored counties with federal performance measures above the federal performance standard (\$270,000 in example above), a ratio is shall be developed to determine the county share of the federal sanction.

The ratio is equal to the amount of each county's misspent federal funds above the performance standard in any given county if any (see Section 15-1621.41), divided by the total amount of misspent federal funds above the performance standard for all quality control monitored counties with performance measures above the performance standard. The ratio for each individual county is then multiplied by the amount of the federal sanction subject to pass-on. The product of this multiplication is the county's proportionate share of the federal sanction.

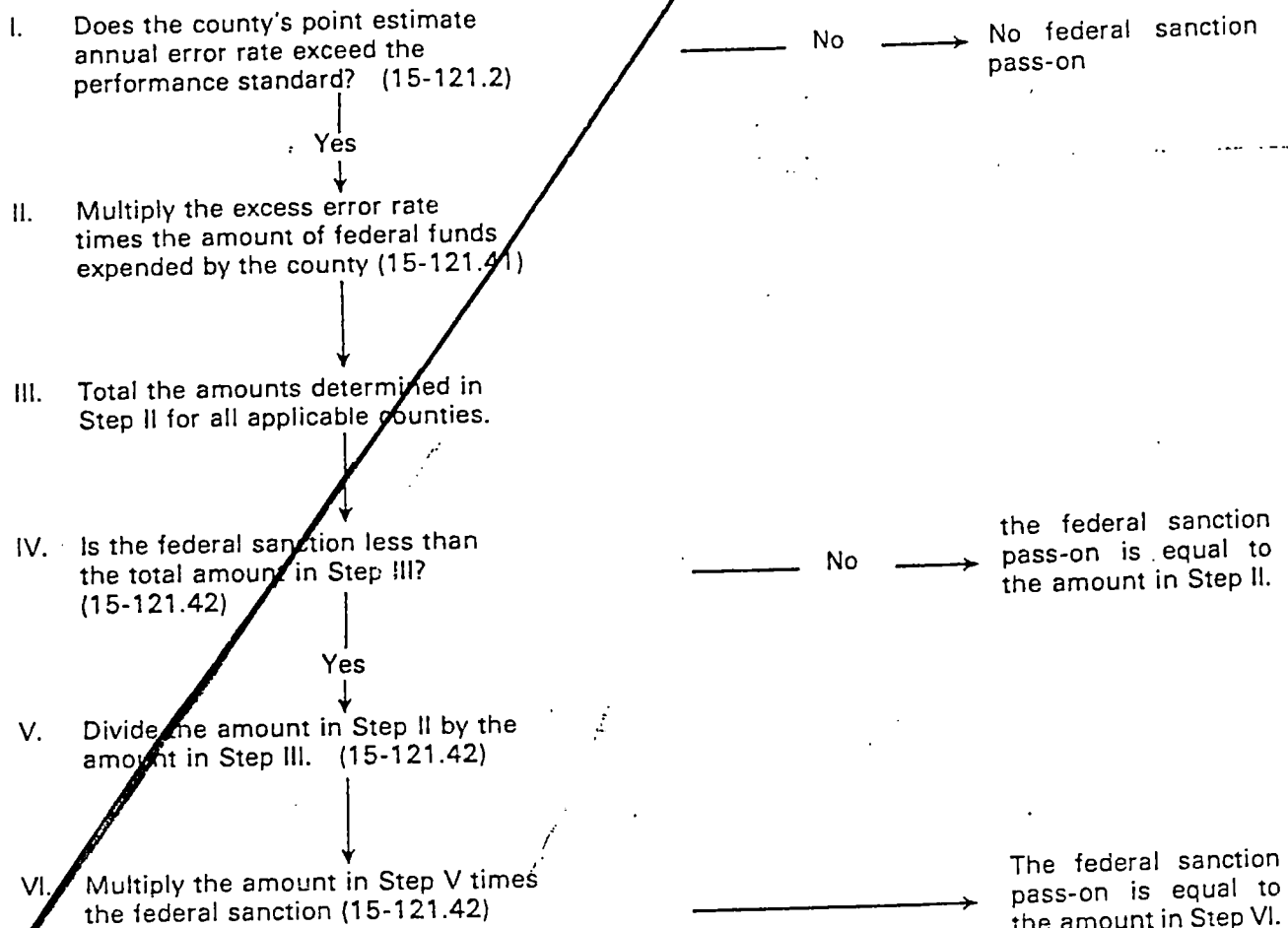
Example: Assume the federal sanction is \$250,000 and four counties have error rates above the 4.0 percent performance standard.

1	2	3	4	5	6	7
County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard	Ratio	Proportionate Share
A	6.0%	2.0%	\$1.0M	\$ 20,000	.0741	\$ 18,525
B	7.0	3.0%	3.0	90,000	.3333	83,325
C	6.0	2.0	4.0	80,000	.2963	74,075
D	8.0	4.0	2.0	80,000	.2963	74,075
				\$270,000	1.0000	\$250,000

The ratios were obtained by dividing the individual county amounts in column 5 by the total of column 5. These ratios are then used to allocate the \$250,000 federal sanction (see column 7).

Because the federal sanction is less than the total misspent federal funds above the performance standard for all monitored counties, (see column 5), each county's proportionate share of the Federal sanction is less than the amount of that county's misspent Federal funds above the performance standard. Therefore, the amounts contained in column 7 would be the amounts passed on to the counties.

FEDERAL SANCTION PASS-ON PROCESS



HANDBOOK BEGINS HERE

- .44 Example: Assume the federal sanction subject to pass-on is \$250,000 and four counties have error rates above the 3.0 percent performance standard.

	1	2	3	4	5	6	7
County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard	Ratio	Proportionate Share	
A	5.0%	2.0%	\$1.0M	\$ 20,000	.0741	\$ 18,525	
B	6.0	3.0	3.0	90,000	.3333	83,325	
C	5.0	2.0	4.0	80,000	.2963	74,075	
D	7.0	4.0	2.0	80,000	.2963	74,075	
				<u>\$270,000</u>	<u>1.000</u>	<u>\$250,000</u>	

The ratios in column 6 were obtained by dividing the individual county amounts in column 5 by the total of column 5. These ratios are then used to allocate the \$250,000 federal sanction subject to pass-on into the proportionate share in column 7.

Because the federal sanction subject to pass-on is less than the total misspent federal funds above the performance standard for all quality control monitored counties, (see column 5), each county's proportionate share of the federal sanction is less than the amount of that county's misspent federal funds above the federal performance standard. The amounts contained in column 7 would be the amounts passed on to the counties.

FEDERAL SANCTION PASS-ON PROCESS

- I.** Does the county's point estimate annual error rate exceed the performance standard? (15-120(f)(2))
- Yes
- II.** Multiply the excess error rate times the amount of federal funds expended by the county (15-621.41) (Column 3 value x Column 4 value = Column 5 value)
- III.** Total the amounts determined in Step II for all applicable counties.
- IV.** Is the federal sanction subject to pass-on less than the total amount in Step 3 (15-621.43)
- No
- The county's federal sanction pass-on is equal to the amount in Step II.
- Yes
- V.** Divide the amount in Step II by the amount in Step III. (15-621.43) (County's column 5 value divided by the total of column 5 = column 6 value)
- VI.** Multiply the amount in Step V times the federal sanction subject to pass on (15-621.43)
- The federal sanction pass-on is equal to the amount in Step VI. (Column 6 value x the total of Column 7)

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: Sections 10554 and 18905, Welfare and
Institutions Code.

Amend and renumber Section 15-125 in part to read:

15-125621 APPLICATION

15-125621

OF FEDERAL SANCTIONS PASS-ON

•15 Application of Federal Sanction Pass-On

- 151 The Department of Social Services SDSS shall notify the county in writing if it is determined that a federal sanction pass-on will be imposed.
- 152 The county may appeal the federal sanction pass-on in accordance with Section 15-130-2621.7.
- 153 No sanction shall be applied during the appeal filing period provided in Section 15-121-81621.81 or until the State Department of Social Services SDSS has made a decision on the county's appeal.
- 154 When the federal AFDC sanction pass-on is imposed, the amount of the sanction shall be applied to a current AFDC assistance claim (CA 900) and subsequently withheld from the county's assistance payment advance by reducing the federal share of the county's reimbursable grant costs.
- 55 When a federal food stamp sanction pass-on is imposed, the amount of the sanction shall be applied by reducing the federal share of the county's reimbursable Food Stamp administrative costs.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code.

Amend and renumber Section 15-130 in part to read:

15-~~130~~621 APPEALS FEDERAL SANCTION
PASS-ON

15-~~130~~621

•16 Appeals of the Federal Sanction

When a federal sanction is imposed, the state shall provide all counties the opportunity to provide information that may establish bases for the state's appeal to the federal government. Counties shall have ~~30~~ at least 15 days from date of notice to provide this information. Examples of specific county circumstances that may be included as part of the state's appeal include, but are not limited to, the following:

•161 Disasters which:

•1611 Require the diversion of a significant number of personnel normally assigned to the processing of AFDC or food stamp cases ~~or~~.

•1612 Destroy or delay access to significant records needed to maintain or update payments.

•162 Strikes or work actions by welfare staff or other personnel necessary to the processing of the AFDC or food stamp cases.

•27 Appeal of the Federal Sanction Pass-On

If the federal sanction is actually withheld by the federal government, counties that are potentially subject to a pass-on shall be notified in writing by the department SDSS. A county may appeal a federal sanction pass-on based upon circumstances related to the state-county relationship.

•71 Circumstances that could provide the bases for an appeal, if they caused the county to have an excessive error rate, include, but are not limited to, the following:

•~~21~~711 The failure of a governmental agency outside the county's control to complete an agreed upon activity.

•~~22~~712 County actions resulting from erroneous state written policy interpretations.

•23713 Mistakes made by state staff in the establishment of the county error rate.

•24714 Incorrect application of Sections 15-1621.1 through .4.

•715 Situations or actions beyond the county's control.

•3 Appeal Process Federal Sanction Pass-On

•3172 Each County shall have 60 days from the date of SDSS notification to provide the appeal information pertaining to circumstances outside the county's control cited in 2 above.

•3273 While the federal appeal decision is pending, a state decision shall be made as to which county-raised issues have merit and should be taken into account in reducing or eliminating potential county liability for the pass-on.

•3374 Counties shall be notified of any amounts that have been reduced or eliminated. If the federal sanction is actually withheld by the Federal Government, the appropriate amount shall be passed on pursuant to Sections 15-1621.1 through .4 less the amount reduced in Section 15-130-32621.82.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18905, Welfare and Institutions Code.

Amend and renumber Section 15-122 to read:

15-1622 STATE SANCTIONS
(AFDC-ONLY)

15-1622

- .1 A State sanction shall apply only to those counties where the state performance measure (the lower limit payment error rate excluding technical errors) exceeds the state performance standard for two consecutive six-month review periods. A feature has been included whereby the level of the point estimate of the county's annual error rate in the year prior to the sanction period can partially or completely offset the amount of the state sanction that would otherwise have been computed. If the pass-on of a federal sanction is applicable, the amount of the state sanction may be waived or reduced pursuant to Section 15-1623.

.32 [Continued]

.43 [Continued]

.54 [Continued]

.541 [Continued]

.542 [Continued]

.6 Examples

The following examples are intended to illustrate how various situations shall be treated under these regulations. For simplicity and ease of understanding, it is assumed that: 1) the performance standard is 4.0 percent; 2) all error rates have a reliability of + 2.5 percentage points; 3) annual point estimate error rates are determined by averaging the two review period error rates (in practice, the statistically derived annual error rate may differ from the error rate determined by simple averaging); and 4) lower limit error rates are determined by subtracting 2.5 percentage points from the applicable point estimate error rate.

Example 1

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.5%	3.0%	3.25%	8.0%	6.0%	7.0%	7.5%	7.0%	7.25
Lower Limit	1.0	.5	.75	5.5	3.5	4.5	5.0	4.5	4.75

REPEAL

Year 2 — A sanction would not apply for this period because the lower limit is not above the performance standard for two consecutive six-month review periods. Although the lower limit error rate of 5.5 percent for the first period in Year 2 does exceed the performance standard, the lower limit error rates for the prior and subsequent periods (0.5 percent and 3.5 percent, respectively) are both within the performance standard. It does not matter that the lower limit annual error rate (4.5 percent) exceeds the performance standard.

Year 3 — The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 4.5 percent, respectively) exceed the performance standard. The lower limit annual error rate of 4.75 percent exceeds the performance standard by 0.75 percentage points (Section 15-122.51). Section 15-122.52 would not apply because the point estimate annual error rate of 7.0 percent for the prior year is above the performance standard. Therefore, the sanction would equal 0.75 percent of the amount of state funds expended.

Example II

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	0.5%	7.0%	3.75%	8.0%	8.0%	7.0%	7.5%	8.5%	8.0%
Lower Limit	-	4.5	1.25	5.5	3.5	4.5	5.0	6.0	5.5

Year 2 — The county would be subject to sanction because the lower limit error rate for the second period in Year 1 and the first period in Year 2 (4.5 percent and 5.5 percent respectively) both exceed the performance standard (see 15-122.4). The lower limit annual error rate exceeds the performance standard by 0.5 percentage points (see 15-122.51). The point estimate annual error rate of 3.75% for the prior year is below the performance standard by 0.25 percentage points (see 15-122.52). The sanction would equal 0.25% (0.5% - 0.25%) of the amount of state funds expended.

Year 3 — The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 6.0 percent, respectively) exceed the performance standard.

The lower limit annual error rate exceeds the performance standard by 1.5 percentage points. Section 15-122.52 does not reduce the sanction amount because the point estimate annual error rate of 7.0 percent for the prior year is not below the performance standard. Therefore, the sanction would equal 1.5 percent of the amount of state funds expended.

Example III

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.0%	3.0%	3.0%	8.0%	7.0%	7.5%	5.5%	7.0%	6.25%
Lower Limit	.5	.5	.5	5.5	4.5	5.0	3.0	4.5	3.75

REPEAL

Year 2 — The county would be subject to sanction because the lower limit error rates for both review periods in Year 2 exceed the performance standard. However, even though the 5.0 percent lower limit annual error rate exceeds the performance standard by 1.0 percentage point, no sanction would be applied because the point estimate annual error rate of 3.0 percent for the preceding year was less than the performance standard by 1.0 percentage point. This amount when subtracted from the 1.0 percent determined under 15-122.52, reduces the sanction amount to zero.

Year 3 — The county would not be subject to sanction because the lower limit error rate is not above the performance standard for two consecutive review periods.

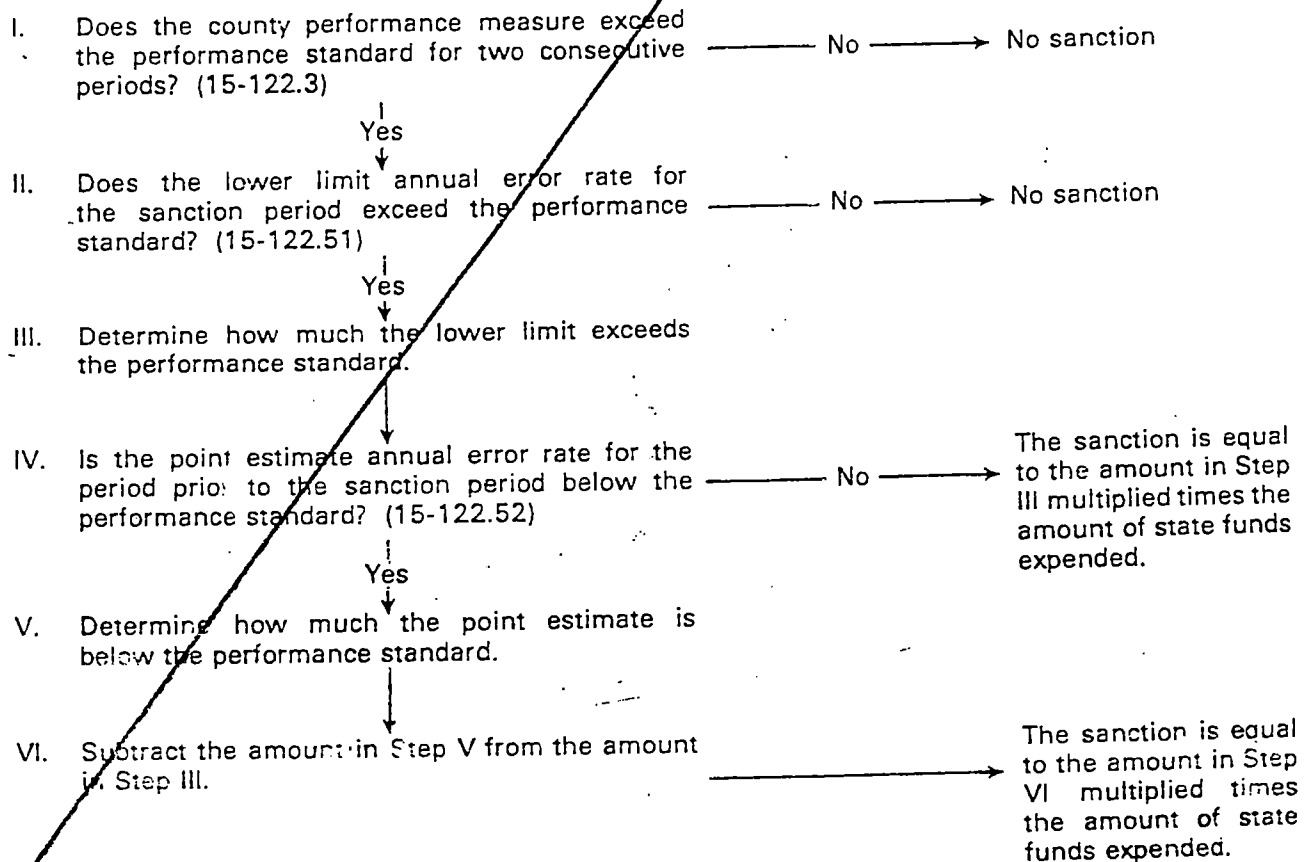
Example IV

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	5.5%	7.5%	6.5%	8.0%	4.5%	6.25%	4.5%	3.5%	4.0%
Lower Limit	3.0	5.0	4.0	5.5	2.0	3.75	2.0	1.0	1.5

Year 2 — The county would be subject to sanction because the lower limit error rates for the second period in Year 1 and the first period in Year 2 (5.0 percent and 5.5 percent, respectively) both exceed the performance standard. However, because the lower limit annual error rate of 3.75 percent is below the performance standard, no sanction will be applied (see 15-122.3).

Year 3 — The county would not be subject to sanction because the lower limit error rates are below the performance standard.

STATE SANCTION DETERMINATION PROCESS



.5 Examples

The following examples are intended to illustrate how various situations shall be treated under these regulations. For simplicity and ease of understanding, it is assumed that: 1) the state performance standard is 4.0 percent; 2) all error rates have a reliability of + or - 2.5 percentage points; 3) annual point estimate error rates are determined by averaging the two review period error rates (in practice, the statistically derived annual error rate may differ from the error rate determined by simple averaging); and 4) lower limit error rates are determined by subtracting 2.5 percentage points from the applicable point estimate error rate. Below are examples illustrating three federal review years.

Example I

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.5%	3.0%	3.25%	8.0%	6.0%	7.0%	7.5%	7.0%	7.25%
Lower Limit	1.0	.5	.75	5.5	3.5	4.5	5.0	4.5	4.75

Federal Review Year 2--A sanction would not apply for this period because the lower limit is not above the state performance standard for two consecutive six-month review periods. Although the lower limit error rate of 5.5 percent for the first period in Year 2 does exceed the state performance standard, the lower limit error rates for the prior and subsequent periods (0.5 percent and 3.5 percent, respectively) are both within the performance standard. It does not matter that the lower limit annual error rate (4.5 percent) exceeds the state performance standard.

Federal Review Year 3--The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 4.5 percent, respectively) exceed the state performance standard. The lower limit annual error rate of 4.75 percent exceeds the state performance standard by 0.75 percentage points (Section 15-611.41). Section 15-622.42 would not apply because the point estimate annual error rate of 7.0 percent for the prior year is above the performance standard. Therefore, the sanction would equal 0.75 percent of the amount of state funds expended.

NEW HANDBOOK

Example II

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	0.5%	7.0%	3.75%	8.0%	6.0%	7.0%	7.5%	8.5%	8.0%
Lower Limit	-	4.5	1.25	5.5	3.5	4.5	5.0	6.0	5.5

Federal Review Year 2--The county would be subject to sanction because the lower limit error rate for the second period in Year 1 and the first period in Year 2 (4.5 percent and 5.5 percent, respectively) both exceed the state performance standard (see Section 15-622.3). The lower limit annual error rate exceeds the performance standard by 0.5 percentage points (see Section 15-611.41). The point estimate annual error rate of 3.75% for the prior year is below the state performance standard by 0.25 percentage points (see Section 15-622.42). The sanction would equal 0.25% (0.5% - 0.25%) of the amount of state funds expended.

Federal Review Year 3--The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 6.0 percent, respectively) exceed the performance standard.

The lower limit annual error rate exceeds the state performance standard by 1.5 percentage points. Section 15-622.42 does not reduce the sanction amount because the point estimate annual error rate of 7.0 percent for the prior year is not below the performance standard. Therefore, the sanction would equal 1.5 percent of the amount of state funds expended.

Example III

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.0%	3.0%	3.0%	8.0%	7.0%	7.5%	5.5%	7.0%	6.25%
Lower Limit	.5	.5	.5	5.5	4.5	5.0	3.0	4.5	3.75

Federal Review Year 2--The county would be subject to sanction because the lower limit error rates for both review periods in Year 2 exceed the performance standard. However, even though the 5.0 percent lower limit annual error rate exceeds

the performance standard by 1.0 percentage point, no sanction would be applied because the point estimate annual error rate of 3.0 percent for the preceding year was less than the performance standard by 1.0 percentage point. The amount when subtracted from the 1.0 percent determined under Section 15-622.42, reduces the sanction amount to zero.

Federal Review Year 3--The county would not be subject to sanction because the lower limit error rate is not above the performance standard for two consecutive review periods.

Example IV

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	5.5%	7.5%	6.5%	8.0%	4.5%	6.25%	4.5%	3.5%	4.0%
Lower Limit	3.0	5.0	4.0	5.5	2.0	3.75	2.0	1.0	1.5

Federal Review Year 2--The county would be subject to sanction because the lower limit error rates for the second period in Year 1 and the first period in Year 2 (5.0 percent and 5.5 percent, respectively) both exceed the performance standard. However, because the lower limit annual error rate of 3.75 percent is below the performance standard, no sanction will be applied (see Section 15-622.2).

Federal Review Year 3--The county would not be subject to sanction because the lower limit error rates are below the performance standard.

STATE SANCTION DETERMINATION PROCESS

- I. Does the county performance measure exceed the performance standard for two consecutive six-month periods? (15-622.3)

Yes

- II. Does the lower limit annual error rate for the federal review year exceed the performance standard? (15-622.41)

Yes

- III. Determine how much the lower limit exceeds the performance standard.

Yes

- IV. Is the point estimate annual error rate for the period prior to the sanction period below the performance standard (15-622.42)

The sanction is equal to the amount in Step III multiplied times the amount of state funds expended.

Yes

- V. Determine how much the point estimate is below the performance standard.

- VI. Subtract the amount in Step V from the amount in Step III.

The sanction is equal to the amount in Step IV multiplied times the amount of state funds expended.

HANDBOOK ENDS HERE

15-252.6 Application of State Sanction

- .261 The Department of Social Services SDSS shall notify the county in writing if it is determined that a state sanction will be imposed.
- .262 The county may appeal the state sanction in accordance with Section 15-130-5622.8.
- .263 No sanction shall be applied during the appeal filing period provided in Section 15-130-5622.81 or until the State Department of Social Services SDSS has made a decision on the county's appeal.
- .264 When a state sanction is imposed, the amount of the state sanction shall be applied to a current AFDC assistance claim (GA 404) and subsequently withheld from the county's assistance payment advance by reducing the state share of the county's reimbursable AFDC grant costs.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend and renumber Section 15-130 in part to read:

15-130-4622.7 Appeal of State Sanctions
(AFDC-Only)

15-130-4622.7

A county may appeal a state sanction based upon circumstances outside the control of the county welfare department. Circumstances that could provide the basis for an appeal include, but would not be limited to, the following:

.471 Disasters which:

- .4722 Require the diversion of a significant number of personnel normally assigned to the processing of AFDC cases, or
- .4712 Destroy or delay access to significant records needed to maintain or update payments.
- .472 Strikes or work actions by welfare staff or other personnel necessary to the processing of AFDC cases.
- .473 The failure of governmental agency outside the county's control to complete an agreed upon activity.
- .474 County actions resulting from erroneous state written policy interpretations.
- .475 Mistakes made by state staff in the establishment of the county error rate.

15-130-5622.8 Appeal Process -- State Sanction
(AFDC Only)

15-130-5622.8

- .581 The county shall have 60 days from the date written notice of sanction is received to file a written appeal with the Director, Department of Social Services SDSS. An appeal shall be signed by the County Welfare Director and contain the basis for appeal.
- .582 Within 30 days of the receipt of the county's written appeal, the county shall be provided a list of the material that will be used to decide the appeal (e.g., QC findings, county appeal, etc.), and will be provided a copy of any material that it does not already have.
- .583 The county shall have 30 days upon receipt of this information in Section 15-130-52622.82 to comment on

and/or supplement this material. Within this period the county may also request the opportunity to make an oral presentation in addition to the written appeal.

- 584 The Director shall grant a request for an oral presentation if he/she finds that such a presentation is necessary to fully address the issues involved, or may deny the request if he/she finds that the record is sufficient to decide the issues without an oral presentation.
- 585 Based on all the available written material and, if applicable, the oral presentation, the final decision shall be rendered by the Director and transmitted to the county.
- 586 Any time limit imposed by this section may be modified by the SSS upon a showing of good cause.

Authority Cited: Sections 10554 and 19904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend and renumber Section 15-123 to read:

15-~~1~~623 DUAL APPLICATION OF SANCTIONS
(AFDC-ONLY)

15-~~1~~623

- 1 In the event both a federal pass-on and a state sanction apply for the same period:
 - a. The full amount of the federal pass-on shall be applied, and
 - b. The maximum state sanction shall be calculated by subtracting the amount of the federal pass-on from total misspent noncounty (state and federal) funds above the performance standard. For this purpose, the amount of misspent noncounty funds above the performance standard shall be based on the county performance measure (see Section 15-~~1~~622.1).

Example: Assume the following data with a 4.0 percent performance standard.

Total County Expenditures	\$10,000,000
Federal Share	5,000,000
State Share	4,460,000
County Share	540,000

Lower Limit Error Rate

6.0%

State Sanction
Pursuant to 15-122

\$ 89,200

Misspent Non-County (state and federal) Funds
Above Performance Standard
(6.0% — 4.0% × \$9,460,000)

\$ 189,200

The state sanction in this example cannot exceed \$89,200. Additionally, this state sanction can be applied only to the extent that it and the federal pass-on together do not exceed \$189,200. Thus, the amount of the state sanction which will be imposed is equal to the lesser of 1) \$89,200; or 2) \$189,200 minus the amount of the federal sanction pass-on.

Situation a: If the federal sanction pass-on equals \$50,000, the full state sanction of \$89,200 will apply since the sum of \$50,000 and \$89,200 does not exceed \$189,200.

Situation b: If the federal sanction pass-on equals \$150,000, the maximum state sanction would be \$39,200 (\$189,000 - \$150,000 = \$39,200).

Situation c: If the federal sanction pass-on equals \$200,000, no state sanction will apply because the \$200,000 exceeds \$189,200. However, the full \$200,000 federal sanction will apply.

HANDBOOK BEGINS HERE

- 2 Example: Assume the following data with a 4.0 percent performance standard.

Total County Expenditures		\$10,000,000
Federal Share	5,000,000	
State Share	4,460,000	
County Share	540,000	

Lower Limit Error Rate	6.0%
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State Sanction Pursuant to 15-122	\$ 89,200
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Misspent Non-County (state and federal) Funds Above Performance Standard [(6.0% minus 4.0%) = 2.0% x \$9,460,000]]	\$ 189,200
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The state sanction in this example cannot exceed \$89,200. Additionally, this state sanction can be applied only to the extent that it and the federal pass-on together do not exceed \$189,200. Thus, the amount of the state sanction which will be imposed is equal to the the lesser of 1) \$89,200; or 2) \$189,200 minus the amount of the federal sanction pass-on.

Situation a: If the federal sanction pass-on equals \$50,000, the full state sanction of \$89,200 will apply since the sum of \$50,000 and \$89,200 does not exceed \$189,200.

Situation b: If the federal sanction pass-on equals \$150,000, the maximum state sanction would be \$39,200 (\$189,000 - \$150,000 = \$39,200).

Situation c: If the federal sanction pass-on equals \$200,000, no state sanction will apply because the \$200,000 exceed \$189,200. However, the full \$200,000 federal sanction will apply.

HANDBOOK ENDS HERE

NEW
HANDBOOK

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In this office of the Secretary of State
of the State of California

AUG 24 1989
At 4:58 o'clock P.M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0725-02

[Signature]
LINDA BREWER
DIRECTOR

08/24/89

FACE SHEET

RDB #0389-05
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8-7-89

89-0808-01
FILED
In the office of the Secretary of State
of the State of California

SEP 0 / 1989

At 4:49 o'clock P.M.
ROH FONG EU, Secretary of State
Deputy Secretary of State

For use by Secretary of State only

1989 AUG -8 12:50
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
SEP - 7 1989

Office of Administrative Law
For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief Regulations Development Bureau

(916) 445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED: Title MPP 40-004

SECTIONS AMENDED: 42-213, 44-111, 113, 133 and 352

SECTIONS REPEALED: 44-101.32, .527 and 44-340.7

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER February 17, 1989
- b. DATE OF FINAL AGENCY ACTION 8-7-89
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s):
- d. ☒ Effective on 10/1/89 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Memorandum


To : OFFICE OF ADMINISTRATIVE LAW
555 Capitol Mall, Suite 1240
Sacramento, CA 95814

Date : August 7, 1989

Subject : Request for Early
Effective Date

From : Department of Social Services

The accompanying set of regulations implements, interprets or makes specific in part the Family Support Act of 1988, (Public Law 100-485). This law prescribes an effective date of October 1, 1989. In order to meet this date we are requesting an early effective date of October 1, 1989. Should this request not be possible, please contact me at 445-0313.

A handwritten signature in cursive script, reading "Rosalie Clark". The signature is written in dark ink and is positioned above the typed name and title.

Rosalie Clark, Chief
Regulations Development Bureau

Adopt new Section 40-004 to read:

40-004 IMPLEMENTATION OF THE FAMILY SUPPORT ACT OF 1988 40-004
 REGARDING INCOME DISREGARDS AND THE EARNED INCOME
 CREDIT

This regulatory action which consists of amending and repealing the following sections shall be effective October 1, 1989 in order to comply with the provisions of the Federal Family Support Act of 1988 (Public Law 100-485) dealing with changes in earned income disregards and the disregard of advance payments or refund of earned income credit (EIC). Amend Sections: 42-213.2(r), ~~42-784.424~~, 44-111.3(q), 44-113.211, 44-113.214, 44-113.215, 44-113.217, 44-113.22, 44-133.333, 44-133.631(a)(1), 44-133.632, 44-133.752(a), 44-133.93. Repealed Sections: 44-101.32 through .326, 44-101.527, 44-113.6 through .624, 44-340.7.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Section 10554 of the Welfare and Institutions Code.

Amend Section 42-213.2r to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING 42-213
PROPERTY WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded (Continued)

- r. The Earned Income Credit (EIC) payments, whether received as an advance payment or as a single payment at the end of the tax year, shall be excluded for only the month of receipt. (See Handbook Section 44-111.3g(1))

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Sections 10554 and 11008 of the Welfare and Institutions Code; 402(c) of Public Law 100-485, October 13, 1988, (Family Support Act of 1988).

Repeal Section 44-101.32 and .527 to read:

44-101 INCOME DEFINITIONS (Continued)

44-101

32 Current income includes Earned Income Credit (EIC) payments when actually received as advance payments or as a single payment at the end of the tax year. See Section 44-207.4. An individual is considered eligible to receive advance or year-end EIC payments if all of the following conditions are expected to be met or have been met for the tax year.

321 The amount of his/her yearly "adjusted gross income" (including that of the spouse) is expected to be less than \$11,000. "Adjusted gross income" refers to the amount used for IRS tax purposes; e.g., for 1980 adjusted gross income was reported on Form 1040, line 11 or on Form 1040, line 31.

322 The individual is expected to have at least one child living with him/her in the United States for the entire year except when the child is away at school or on vacation. The child must be one of the following:

(1) The individual's child, stepchild, or a child placed with him/her by an authorized placement agency for legal adoption (even if the child becomes the recipient's stepchild or adopted child, or is placed during the year); or any other child cared for as his/her own child for the whole year unless the child's natural or adoptive parents provide more than half of the support for that year.

323 If the individual is married, that a joint tax return is expected to be filed.

324 If the individual is unmarried or living apart from his/her spouse, that he/she is expected to pay at least half the cost of keeping up his/her household. AFDC payments which are used to pay part of the cost of keeping up the household are not counted as amounts furnished by the individual.

325 All the earned income is expected to be from sources inside the United States and not eligible

for exclusion or exemption as foreign income or income from U.S. possessions.

✓326 Either the individual expects to claim an exemption for the child living with him/her or he/she expects to qualify as head of household for IRS tax purposes. (Continued)

•5 Earned Income (Continued)

•52 Earned income also includes: (Continued)

✓527 An Earned Income Credit (EIC) payment received as a single payment after the end of the tax year (see 44-113.6) or received as advance payment under Section 44-101.32.

(e) Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Sections 10554 and 11008 of the Welfare and Institutions Code; 402(c) Public Law 100-485, October 13, 1988, (Family Support Act of 1988).

Amend Section 44-111.3g. to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

3 Exemption of Payments from Public Sources (Continued)

g. Earned Income Credit (EIC) payments, whether received as advance payments or as a single payment at the end of the tax year, shall be exempt from consideration as income.

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(1) The EIC is for individuals who have a child and who meet the income and other requirements of Section 32 and 3507 of the Internal Revenue Code of 1986. Based on Internal Revenue Service (IRS) eligibility conditions, an individual can receive advance payments from an employer, or a single year-end payment from the IRS.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Sections 10554 and 11008 of the Welfare and Institutions Code; 402(c) of Public Law 100-485, October 13, 1988, (Family Support Act of 1988).

Amend Subsections 44-113.211, .214, .215, .216, and .217;
Renumber Subsections 44-113.215, .216, and .217; Repeal Sections
44-113.22 and .5 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings

.21 Computation of Net Nonexempt Earned Income for Aid to
Families With Dependent Children

To determine the amount of Net Nonexempt Earned Income
for the month, the following steps shall be taken:

.211 Determine the total amount of commissions, wages
or salary earned as an employee during or
applicable to the month (i.e., total income
irrespective of expenses, voluntary or involuntary
deductions). Include any actual advanced EIC
payments. See Section 44-202.32. To determine
total earnings for the month, some earnings may
have to be allocated to the month pursuant to
Section 44-102. Also, the monetary value of any
in-kind earned income per Section 44-115 shall be
included. Do not include earnings exempted in
entirety under Section 44-111.22.

.212 (Continued)

.213 (Continued)

.214 Apply the standard work expense disregard of \$7590
for the month the income was earned to the amount
in .213 for each recipient.

.2165 For each recipient who is eligible to receive the
\$30 and 1/3 disregard, subtract \$30 from the
amount remaining after application of .214 and
.215, then subtract 1/3 of the remainder. See
Section 44-111.23.

.2176 (Continued)

.2157 For each employed recipient apply a disregard as
determined below for the reasonable and necessary
costs of obtaining child care for a child in the
FBYAU or care for an incapacitated individual in
the FBYAU when the county determines that adequate
dependent care cannot be provided during his/her

working hours by a person in the recipient's family budget assistance unit.

For each child or incapacitated individual the amount of the dependent care disregard is the least of:

- (a) ~~\$160~~175 per child or incapacitated individual if the recipient is employed or self-employed at least 100 hours and at least 13 days of the month (\$200 per month per child under age 2), or \$174 per child or incapacitated individual if the recipient is employed or self-employed less than 100 hours and 13 days per month (\$199 per month per child under age 2), or
- (b) The amount paid for such dependent care; or
- (c) For child care the cost of securing such child care through a child care facility meeting the standards for licensing outlined in Chapter 38-350 (Child Care Services) when the county determines that such a facility is currently available to the recipient and could be reasonably used by the recipient. It should be noted that in accordance with Section 39-156, child care expenses related to training are paid from administrative funds and not deducted from income.

The county is required to verify the amount of the expenditure and that the care was actually provided. As part of the verification process, the recipient is required to write on the CA 7 the amount of the expenditure and to provide a signed receipt. If the county determines that a signed receipt is not available, other acceptable evidence may be used. Such evidence may include but is not limited to: statements received by the county welfare departments by phone from the care provider, canceled checks, statements from neighbors or other persons with a reasonable knowledge that services were provided (i.e., they take their child to the same facility), or an affidavit from the recipient, separate from the CA 7,

which includes an explanation as to why a receipt from the provider was not available.

.218 (Continued)

.219 (Continued)

- ✓22 Example. An EBY consists of a mother, two preschool children and two teenage sons, ages 15 and 16. The 15 and 16-year olds are not in school.

The mother is employed for 20 days, works over 100 hours, and earns \$600. The 15 year old son earns \$170 and the 16 year old earns \$140. Child care expenses are \$160 for the first pre-school child and \$130 for the second. The mother is no longer eligible for the \$30 and 1/3 disregard, but is still eligible for the \$30 disregard. Her teenage sons are eligible for the \$30 and 1/3 disregard. Net nonexempt earned income for the month is computed as follows:

Step (1) Compute remainders for each recipient.

(a) For the mother:

\$600 gross wages
- 75 standard work-expense disregard
- 160 child care for first preschooler
- 130 child care for second preschooler
- 30 disregard
\$205 remainder for mother.

(b) For the 15-year-old:

\$170 gross wages
- 75 standard work expense disregard
- 52 \$30 plus 1/3 deduction
\$ 43 remainder for 15-year-old

(c) For the 16-year-old:

\$140 gross wages
- 75 standard work expense disregard
- 49 \$30 plus 1/3 deduction
\$ 43 remainder for 16-year-old

Step (2) Combine remainders for each recipient

- (a) \$205 mother
- (b) \$ 43 15-year-old
- (c) \$ 23 16-year-old
- (d) \$271 net nonexempt earned income of the household

.22 Example. An AU consists of a mother, one preschool child, one infant and two teenage sons, ages 15 and 16. The 15 and 16 year-olds are not in school.

The mother is employed for 20 days, works over 100 hours, and earns \$600. The 15-year-old son earns \$170 and the 16-year-old earns \$140. Child care expenses are \$175 for the preschool child and \$190 for the infant. The mother is no longer eligible for the \$30 and 1/3 disregard, but is still eligible for the \$30 disregard. Her teenage sons are eligible for the \$30 and 1/3 disregard. Net nonexempt earned income for the month is computed as follows:

Step (1) Compute remainders for each recipient.

(a) For the mother:

\$600 gross wages
- 90 standard work expense disregard
- 30 disregard
-175 child care for the preschooler
-190 child care for the infant
\$115 remainder for mother

(b) For the 15-year-old:

\$170 gross wages
- 90 standard work expense disregard
- 47 \$30 plus 1/3 deduction
\$ 33 remainder for 15-year-old

(c) For the 16-year-old:

\$140 gross wages
- 90 standard work expense disregard
- 37 \$30 plus 1/3 deduction
\$ 13 remainder for 16-year-old

Step (2) Combine remainders for each recipient

(a) \$115 mother

(b) 33 15-year-old

(c) 13 16-year-old
(d) \$161 net nonexempt earned income of the household

.3 (Continued)

.4 (Continued)

.5 (Continued)

R .6 Reconciliation of Advanced Earned Income Credit (EIC) to
E Year-End EIC.

E .61 Definitions

P (a) Advanced EIC: The total EIC advanced to the
E recipient during the tax year. This figure is
obtained from the IRS forms W-2, 1040 or 1040A.

A (b) Year-End EIC: The year-end EIC entitlement for
l the tax year. This figure is obtained from the
IRS forms 1040 or 1040A.

R (c) Year-End EIC Payment: The payment made to the
taxpayer when the year-end EIC is greater than the
amount of the advanced EIC.

E (d) Actual Advance EIC: The EIC actually received by
P the individual on a monthly basis during the tax
year.

E (e) Assumed EIC: The monthly EIC used by the county
A to determine the AFDC grant when the individual
would be eligible to receive advance EIC payments,
l but has not applied or is not yet receiving them.
EIC payments shall not be assumed for payment
months after September 30, 1984.

R (f) Year-End EIC attributable to AFDC: That portion
E of the year-end EIC attributable to the
individual's term as an employed AFDC recipient
P for (or during) the tax year. For purposes of
this definition, the term "on aid" means the
number of months on aid.

E (g) For the tax year: The actual advance EIC, assumed
A EIC, and earnings received by the recipient during
l the calendar year. Disregards will be considered
as applied to such income in the month of receipt,
even though the corresponding payment month falls
outside the calendar year.

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(h) Reconciliation: The method by which the recipient:

- (1) is compensated for AFDC benefits lost due to the overcounting of actual advance EIC, or
- (2) has his/her countable year-end EIC payment adjusted by the amount of assumed EIC for the 1984 tax year.

.62 Reconciliation Methodology

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.621 If the total amount of actual advance EIC which was counted in determining the recipient's net nonexempt earned income received during the tax year differs from the year-end EIC, reconciliation is required. Reconciliation and payment of any resulting EIC adjustment shall be made to current recipients only.

- (a) The recipient is responsible for providing all information and documentation necessary to complete the reconciliation computation. Such information includes, but is not limited to, the recipient's income tax return (IRS form 1040 or 1040A) and/or any tax refund check received. If the recipient fails to provide necessary documentation, then reconciliation shall not be made.

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.622 If the tax return shows that the year-end EIC is greater than the advanced EIC and the recipient is entitled to any payment from the Internal Revenue Service (IRS), the following reconciliation shall be made after such payment is actually received from the IRS.

- (a) If the recipient receives a payment from the IRS for the previous tax year, the county shall segregate that portion of the payment which represents the year-end EIC payment from the tax refund. That portion shall be treated as lump sum earned income in the month received (see Section 44-207.4).

- (b) If the recipient fails to provide necessary documentation [see MPP Section

44-113.621(a) above] and the county cannot establish the amount of the year-end EIC payment, the entire amount of the payment received from the IRS shall be considered an income tax refund.

(c) Repealed by Manual Letter No. EAS-97-01, effective 1/1/87.

.623 If the tax return shows that the year-end EIC is less than the advanced EIC, a prompt reconciliation shall be made as follows:

(a) Determine whether the year-end EIC attributable to AFDC is greater than the total amount of advance EIC counted as income for AFDC purposes for the tax year. This is determined as follows:

(1) Obtain the monthly entitlement by dividing the year-end EIC (as listed on IRS form 1040 or 1040A) by the total number of months in the tax year during which the recipient had earnings.

(2) Multiply the monthly entitlement above by the number of months the recipient had earnings while on aid during the tax year in order to obtain the year-end EIC attributable to AFDC.

(3) If the year-end EIC attributable to AFDC is greater than the total actual advance EIC counted as income to the FBU for the tax year, no further reconciliation is necessary.

(b) When the year-end EIC attributable to AFDC is less than the total actual advance EIC counted as income to the FBU for the tax year, reconciliation shall be made as follows:

(1) Subtract the year-end EIC attributable to AFDC [as determined in .623 (a)(2) above] from the total actual advance EIC payments counted

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as income to the FBU for the tax year.

(2) Divide the remainder above by the number of months advance EIC payments were received for AFDC for the tax year to obtain the maximum monthly adjustment.

(3) Multiply the maximum monthly AFDC adjustment above by the number of months for the tax year in which the \$30 and 1/3 disregard was applied to actual advance EIC payments.

(4) Multiply the amount above by 2/3.

(5) Multiply the maximum monthly AFDC adjustment in (2) above by the number of months for the tax year in which actual advance EIC payments were considered income for AFDC purposes but the \$30 and 1/3 disregard was not applied.

(6) Add the amounts in (4) and (5) above to determine lost AFDC benefits to be adjusted.

(7) The amount in (6) above shall be issued as an EIC adjustment payment.

(c) Example: Computation of the EIC adjustment payment

Computation Factors

- Recipient was employed 9 months in the tax year.

- Recipient received AFDC during 7 of the 9 months he/she was employed during the tax year.

- The \$30 plus 1/3 disregard was applied in 4 months while aided.

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- The \$30 plus 1/3 disregard was not applied in 3 months while aided.

- Actual advanced EIC counted in the computation of the recipient's aid payments for the tax year totaled \$300.

- Recipient's 1040 or 1040A for the tax year indicated.

- Year-end EIC \$350

- Advanced EIC \$400

Computation Steps

Determination of whether EIC counted for AFDC during the tax year (\$300) was greater than the year-end EIC attributable to AFDC:

$$(1) \quad \frac{\$350 \text{ [year-end EIC]}}{9 \text{ months [months of earnings]}} = \$ 38.89 \text{ [monthly EIC entitlement]}$$

[see 44-113.623(a)(1)]

$$(2) \quad \begin{array}{l} \$38.89 \\ \text{[monthly EIC} \\ \text{entitlement]} \end{array} \times \begin{array}{l} 7 \\ \text{[months of} \\ \text{earnings} \\ \text{while aided]} \end{array} = \$272.22 \text{ [year-end EIC attributable to AFDC]}$$

[see 44-113.623(a)(2)]

$$(3) \quad \begin{array}{l} \$300 \\ \text{[EIC counted in} \\ \text{AFDC grants in} \\ \text{the tax year]} \end{array} - \begin{array}{l} \$272.22 \\ \text{[year-end EIC} \\ \text{attributable} \\ \text{to AFDC]} \end{array} = \$ 27.78 \text{ [overcounted EIC]}$$

[see 44-113.623(b)(1)]

If the EIC counted in the computation of AFDC payments during the tax year (\$300) exceeds the year-end EIC

attributable to AFDC (\$272.22), compute the EIC adjustment payment as follows:

(4) $\frac{\$27.78 \text{ [overcounted EIC]}}{7 \text{ [months of EIC payments [maximum monthly considered while aided] adjustment]}} = \$ 3.97$
[see 44-113.623(b)(2)]

(5) $\$ 3.97 \times 4 = \$ 15.97$
[maximum monthly adjustment] [number of aided [total (5)] months the \$30 & 1/3 disregard applied to advance EIC payments]
[see 44-113.623(b)(3)]

(6) $\$15.87 \times \frac{2}{3} = \$ 10.63$
[total (5)] [total (6)]
[see 44-113.623(b)(4)]

(7) $\$ 3.97 \times 3 = \$ 11.91$
[maximum monthly adjustment] [number of aided [total (7)] months the \$30 & 1/3 disregard not applied to advance EIC payments]
[see 44-113.623(b)(5)]

(8) $\$10.63 + \$11.91 = \$22.54$
[total (6)] [total (7)] [EIC adjustment payment]
[see 44-113.623(b)(6)].

•624 The following methodologies shall be used for the reconciliation of advance EIC (actual and assumed) to year-end EIC for the tax year 1984 when any EIC payments were assumed received for the months of January 1984 through September 1984 and were counted in determining the recipient's net

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nonexempt earned income. EIC payments shall not be assumed after September 30, 1984. If no EIC payments were assumed during tax year 1984, use the reconciliation methodology in .622 and .623 above.

(a) If the recipient fails to provide the necessary documentation for the following calculations, reconciliation shall not be made.

(b) If the tax return shows that the year-end EIC is greater than the advance EIC (actual and assumed), the county shall deduct the total advance EIC used in the grant computations for the tax year 1984 from the 1984 year-end EIC payment. The remainder is lump sum earned income in the month received. See Section 44-207.4.

(c) Example:

- The year-end EIC payment is \$500.
- The wife worked for one month during the tax year and is not working when the payment is received.
- The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received. Two hundred dollars (\$200) EIC was assumed for the tax year based on the husband's earnings.
- Both the husband and the wife are members of the FBU when the year-end EIC payment is received.

WIFE HUSBAND

R	Share of EIC*	\$250	\$250
E	Minus Assumed EIC	- 0	-200
E	Plus Other Earnings	<u>+ 0</u>	<u>+600</u>
P	Subtotal	\$250	\$650
E	Minus Standard Work Expense Disregard**	- 0	- 75
A	Minus Dependent Care Disregard (no expense)	- 0	- 0
I	Minus 30 and 1/3 Disregard***	<u>-103</u>	<u>- 0</u>
	Subtotal	\$147	\$575
	Plus Unearned Income.		<u>+ 0</u> <u>+ 0</u>
	Net Nonexempt Income	\$147	\$575
	Husband	\$575	
	Wife	<u>+147</u>	

\$722 Total net nonexempt income for use in lump sum computation in Section 44-207.4

* Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.

** The standard work expense disregard is applied only when other earned income is received at the time EIC is received.

*** The \$30+1/3 disregard is applied only if there is eligibility to the disregard when the EIC is received.

(d) If the 1984 tax return shows that the year-end EIC is less than the advance EIC (actual and assumed) reconciliation shall be as follows:

(1) Subtract the year-end EIC attributable to AFDC as determined from the methodology described for

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actual EIC in .623(a) above] from the total advance EIC payments counted as income to the assistance unit for the 1984 tax year.

- (2) Divide the remainder above by the number of months advance EIC payments were received or assumed for AFDC for the 1984 tax year to obtain the maximum monthly adjustment.
- (3) Multiply the maximum monthly AFDC adjustment above by the number of months for the 1984 tax year in which the \$30 and 1/3 disregard was applied to the advance EIC payments.
- (4) Multiply the amount above by 2/3.
- (5) Multiply the maximum monthly AFDC adjustment in (2) above by the number of months for the 1984 tax year in which advance EIC payments were considered income for AFDC purposes but the \$30 and 1/3 disregard was not applied.
- (6) Add the amounts in (4) and (5) above to determine lost AFDC benefits to be adjusted.
- (7) The amount in (6) above shall be issued as an EIC adjustment payment.
- (8) Example: Computation of the EIC adjustment payment

Computation Factors

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- Recipient was employed 9 months in the 1984 tax year.
- Recipient received AFDC during 7 of the 9 months he/she was employed during the tax year.
- The \$30 plus 1/3 disregard was applied in 4 months while aided.

- The \$30 plus 1/3 disregard was not applied in 3 months while aided.

- Advance EIC (assumed and actual) counted in the computation of the recipient's aid payments for the 1984 tax year totaled \$300.

- Recipient's 1040 or 1040A for the 1984 tax year indicated.

- Year-end EIC \$350

- Advance EIC \$400

Computation Steps

Determination of whether EIC counted for AFDC during the 1984 tax year (\$300) was greater than the year-end EIC attributable to AFDC:

$$(1) \quad \frac{\$350 \text{ [year-end EIC]}}{9 \text{ months [months of earnings]}} = \$38.89 \text{ [monthly EIC entitlement]}$$

[see 44-113.623(a)(1)]

$$(2) \quad \begin{array}{l} \$38.89 \\ \text{[monthly EIC} \end{array} \times \begin{array}{l} 7 \\ \text{[months of earnings} \end{array} = \$272.22 \begin{array}{l} \text{[year-end EIC} \\ \text{attributable to AFDC]} \end{array}$$

[see 44-113.623(a)(2)]

$$(3) \quad \begin{array}{l} \$300 \\ \text{[EIC counted in} \\ \text{AFDC grants in} \\ \text{the tax year]} \end{array} - \begin{array}{l} \$272.22 \\ \text{[year-end EIC} \\ \text{attributable} \\ \text{to AFDC]} \end{array} = \$27.78 \text{ [overcounted EIC]}$$

[see 44-113.624(d)(1)]

If the EIC counted in the computation of AFDC payments during the 1984 tax year (\$300) exceeds the year-end EIC

attributable to AFDC (\$272.22), compute the EIC adjustment payment as follows:

(4) $\frac{\$27.78 \text{ [overcounted EIC]}}{7 \text{ [months of EIC payments considered while aided]}} = \$3.97 \text{ [maximum monthly adjustment]}$

[see 44-113.624(d)(2)]

(5) $\$3.97 \text{ [maximum monthly adjustment]} \times 4 \text{ [number of aided months the \$30 \& 1/3 disregard applied to advance EIC payments]} = \$15.87 \text{ [total (5)]}$

[see 44-113.624(d)(3)]

(6) $\$15.87 \text{ [total (5)]} \times 2/3 = \$10.63 \text{ [total (6)]}$

[see 44-113.624(d)(4)]

(7) $\$3.97 \text{ [maximum monthly adjustment]} \times 3 \text{ [number of aided months the \$30 \& 1/3 disregard not applied to advance EIC payments]} = \$11.91 \text{ [total (7)]}$

[see 44-113.624(d)(5)]

(8) $\$10.63 \text{ [total (6)]} + \$11.91 \text{ [total (7)]} = \$22.54 \text{ [EIC adjustment payment]}$

[see 44-113.624(d)(6)]

(Continued)

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference:

Sections 10554, 11008 and 11451.6 of the Welfare and Institutions Code; 402(a), (b), and (c) of Public Law 100-485, October 13, 1988, (Family Support Act); 602(a)(8)(A)(ii) of 42 USCA; and 233.20(a)(11)(C)(i) of 45 CFR.

Amend Sections 44-133.333, .631(a))(1), .752(a), .754 and .93;
Repeal Section 44-133.632 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Child has been Excluded
from the Assistance Unit (Continued)

- .333 Subtract the figure determined in .332 from income
determined in .331 above. The remaining amount is
income to the assistance unit.

Example: A parent with earned income is
excluded from the assistance unit
which consists of three children.
Monthly gross earned income is \$350.
Assume MAP for 3 is \$506 and MAP for
4 is \$601.

Gross Income	\$350
Standard Work Expense Disregard (See Section 44-113.214)	- 75
Net Income	\$275
MAP for 4	\$601 *
MAP for 3	-506 *
MAP Differential	\$ 95
Verified Special Needs	+ 9
	\$104
Net Income	\$275
MAP Differential + Verified Special Needs	-104
Income to the Assistance Unit	\$171
MAP for 3	\$506 *
Income to the Assistance Unit	-171
Grant	\$335

*MAP amounts are subject to change. Use currently
applicable amounts specified in 44-315.411.

.334 Example: A parent with earned income is excluded from the assistance unit which consists of three children. Monthly gross earned income is \$350. Assume MAP for 3 is \$663, and MAP for 4 is \$788.

<u>\$350</u>	<u>Gross Income</u>
<u>- 90</u>	<u>Standard Work Expense Disregard</u>
<u>\$260</u>	<u>Net Income</u>
<u>\$788 *</u>	<u>MAP for 4 *</u>
<u>-663 *</u>	<u>MAP for 3</u>
<u>\$125</u>	<u>MAP Differential</u>
<u>+ 9</u>	<u>Verified Special Needs</u>
<u>\$134</u>	
<u>\$260</u>	<u>Net Income</u>
<u>-134</u>	<u>MAP Differential + Verified</u>
<u>\$126</u>	<u>Special Needs</u>
	<u>Income to the Assistance Unit</u>
<u>\$663 *</u>	<u>MAP for 3</u>
<u>-126</u>	<u>Income to the Assistance Unit</u>
<u>\$537</u>	<u>Grant</u>

*MAP amounts are subject to change. Use currently applicable amounts.

.3345 (Continued)

.63 Computation of Income to the Assistance Unit

.631 The stepparent's income deemed available to the assistance unit is determined as follows:

(a) Determine the stepparent's net nonexempt income according to the provisions in Chapter 44-100.

(1) When determining net earned income the stepparent shall be entitled to the \$75 work expense disregard. See Section 44-113.214. (Continued)

.632 Example: Stepparent Income to the FBU

Computation Factors

- Stepparent unit consists of 2 persons*
- AFDC-FBU consists of 4 persons*
- Stepparent earns \$600 within the month from full-time employment*
- Stepparent pays \$100 per month child support to his/her daughter who resides with the stepparent's ex-spouse*
- No other payments are made by the stepparent to persons living outside the home*

Computation

\$600 gross income
 - 75 less standard work expense disregard
\$525
 - 100 less child support paid
\$425 net income

 \$425 net income
 - 408* less MBSAC for stepparent unit (2 persons)
\$ 17 stepparent income to the FBU

This MBSAC amount is subject to change. Use currently applicable amount specified in 44-207.112

•632 Example: Stepparent Income to the AU

Computation Factors

- Stepparent unit consists of 1 person (stepfather)*.
- AFDC-AU consists of 5 persons (the mother and mother's 4 children)

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- Stepparent earns \$800 within the month from full-time employment.
- Stepparent pays \$100 per month child support to his/her daughter who resides with the stepparent's ex-spouse.
- No other payments are made by the stepparent to persons living outside the home.

Computation

\$800 gross income
- 90 less standard work expense disregard
\$710
-100 less child support paid
\$610 net income

\$610 net income
-326* less MBSAC for stepparent unit (1 person)
\$284 stepparent income to the AU

\$899* MAP for AFDC-AU (5 persons)
-284 less stepparent income to the AU
\$615 Grant

*The MBSAC and MAP amounts are subject to change.
Use currently applicable amounts. (Continued)

.75 Computation of Income to the Assistance Unit (Continued)

.752 Determine the net nonexempt income of each senior parent or legal guardian according to the provisions in Chapter 44-100.

- (a) When determining net earned income, each employed senior parent or legal guardian shall be entitled to the \$75 work expense disregard. See Section 44-113.214.
- (b) (Continued)
- (c) (Continued)
- (d) (Continued)

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•754 Example: Senior Parents' Income to the Assistance Unit

Computation Factors

- Senior Parent Unit consists of two senior parents and one child (the parents and a sibling of the minor).
- AFDC assistance unit (AU) consists of a minor parent and an aided child.
- One senior parent earns \$6700 within the month from full-time employment.
- One senior parent earns \$1200 within the month from part-time employment.
- No payments are made by the senior parents to persons living outside the home.

Computation

\$6700	Gross income of senior parent employed full-time
- 7590	Less \$752(a)(1) work expense disregard
<u>\$525610</u>	
\$1200	Gross income of senior parent employed part-time
- 590	Less \$752(a)(2) work expense disregard
<u>\$ 50110</u>	
\$575720	Net income of both senior parents
-555663*	Less MBSAC for Senior Parent Unit (3 persons)
<u>\$ 2057</u>	Senior parent's income to assistance unit <u>AU</u>
\$535*	<u>MAP for AU of 2 (minor parent and aided child)</u>
-57	<u>Less senior parent's income to AU</u>
<u>\$478</u>	<u>Grant</u>

*The MBSAC and MAP amounts are subject to change. Use currently applicable amounts specified in 44-207.122. (Continued)

•93 Subtract the figure determined in .92 from income determined in .91 above. The remaining amount is income to the FBH AU.

Example: A spouse of an aided married child resides with the FBH which consists of three people.

The spouse's monthly gross earned income is \$350.
Assume the MAP for 3 is \$506 and MAP for 4 is \$601.

Gross Income	\$350
Standard Work Expense Disregard	- 75
(See Section 44-113.214)	
Net Income	\$275
MAP for 4	\$601 *
MAP for 3	-506 *
Difference in MAPs	\$ 95
Verified Special Needs	+ 9
	\$104
Net Income	\$275
Difference in MAPs + Verified	
Special Needs	-104
Income to FBU	\$171
MAP for 3	\$506 *
Income to FBU	-171
Grant	\$335

*These MAP amounts are subject to change. Use current MAP values for the appropriate size FBU specified in 44-315.411.

.931 Example: A spouse of an aided married child resides with the AU which consists of three people.

The spouse's monthly gross earned income is \$350. Assume the MAP for 3 is \$663 and MAP for 4 is \$788.

\$350	Gross Income
- 90	Standard Work Expense Disregard
\$260	Net Income
\$788 *	MAP for 4
-663 *	MAP for 3
\$125	Difference in MAPs
+ 9	Verified Special Needs
\$134	

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<u>\$260</u>	<u>Net Income</u>
	<u>Difference in MAPs + Verified</u>
<u>-134</u>	<u>Special Needs</u>
<u>\$126</u>	<u>Income to AU</u>
<u>\$663 *</u>	<u>MAP for 3</u>
<u>-126</u>	<u>Income to AU</u>
<u>\$537</u>	<u>Grant</u>

*These MAP amounts are subject to change. Use
current MAP values for the appropriate size AU.

Authority Cited: Sections 10553 and 10554 of the Welfare and Institutions Code.

Reference: Sections 10554 of the Welfare and Institutions Code; ~~11342(b) and 11349(f) of the Government~~
~~Code.~~

Repeal Section 44-340.7 to read:

44-340 UNDERPAYMENTS (Continued)

44-340

- ✓7 An assistance unit shall be considered to be underpaid for purposes of the Tax Reform Act if it meets any of the criteria described in Section 44-340.71.
- ✓71 One of the following circumstances occurred in the period between October 22, 1986, through August 31, 1987.
 - ✓711 Senior Parent/Legal Guardian Unit or Stepparent Unit was granted a part-time \$50 work related expense disregard. See MPP Sections 44-133.6 and 7.
 - (a) The GWD shall allow the full \$75 work related expense disregard retroactive to October 22, 1986, or the date of eligibility to the work related expense disregard, whichever is later.
 - ✓712 Senior Parent/Legal Guardian income was allocated to the assistance unit because of an 18-year-old minor parent living at home and attending school. See MPP Section 44-133.75.
 - (a) The GWD shall recompute the amount available to the assistance unit without consideration of the income allocated from the Senior Parent/Legal Guardian retroactive to October 22, 1986, or the date the minor parent turned 18, whichever is later.
- ✓72 The case review, recomputation and correction of the underpayment shall be completed as soon as possible and not later than the deadlines set forth below:
 - ✓721 The date of the next annual redetermination of eligibility or the date of termination, whichever is earlier, for all current recipients on the effective date of this regulation.
 - ✓722 Sixty days from the date aid is granted for reapplications and requests for restoration of aid within one year of the effective date of this regulation.

723 Sixty days from the date of a request for review
in all other cases.

724 This regulation is effective September 1, 1987.

Authority Cited: Sections 10553 and 10554 of the Welfare and
Institutions Code.

Reference: Sections 10554 of the Welfare and Institutions
Code; ~~11349(a) of the Government Code.~~

Amend Section 44-352(a)(1) to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

- (1) For overpayments caused by agency error, and which have been or will be recouped on or after January 1, 1986, determine the sum of the FBU's total grant amount for the payment month before overpayment adjustments, the FBU's gross earned income less any dependent care ~~disregards~~ as specified in Section 44-113.2157 and less the standard work expense disregard as specified in Section 44-113.214, other net nonexempt income, and the FBU's liquid resources. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

Amend Handbook Section 44-402.7 to read:

H 44-402 COMPUTATION OF A REDUCED INCOME SUPPLEMENTAL PAYMENT 44-402
(Continued)

A .7 Example of Reduced Income Supplemental Payment Issuance:

N A. FACTS

- D (1) Assistance Unit is comprised of a working mother
and one child.
- B (2) January grant is \$188.
- O (3) Mother receives notice that her hours of
employment are reduced effective December 31 of
O the preceding year.
- K (4) Mother was receiving \$500 a month in wages, and
will be receiving \$2300.
- (5) Mother has no reasonable expectations of receiving
additional earned (or unearned) income in January.
- (6) Mother is no longer eligible for \$30 and 1/3, but
does qualify for the \$30 disregard.
- (7) Mother pays \$85 in child care.
- (8) Mother receives \$50 per month payment from the
county welfare department for child support
received by the county welfare department.
- H (9) CWD receives recipient's Reduced Income
A Supplemental Payment Request Form on January 8.

N B. CWD ACTION

- D (1) CWD determines that CA 40 is complete.
- B (2) CWD determines the CA 7 due in December, reporting
November's income, was timely and complete.
- O (3) CWD determines that there is a decrease in net
nonexempt earned (net countable) income from
O November to January.
- K (4) CWD computes net available income for the reduced
income supplemental payment month:

- (a) The total grant that the family would otherwise receive in the reduced income supplemental payment month is \$188.
- (b)
- | | |
|-------|--|
| \$200 | estimated wages for the reduced income supplemental payment month |
| - 75 | standard work expense disregard |
| - 85 | dependent care disregard |
| + 50 | child support disregard received in reduced income supplemental payment month |
| \$ 90 | estimated other available income for the reduced income supplemental payment month |
- (c) \$188 from (a) plus \$90 from (b) equals \$278 net available income for the reduced income supplemental payment month.
- (d) The computation would appear on the CA 40 as follows:

NET COUNTABLE INCOME

\$200	<u>300</u>	wages estimated earned income for January
- 75	<u>90</u>	work expense disregard
- 85		dependent care disregard
- 30	<u>85</u>	\$30 disregard dependent care disregard
\$ 10	<u>125</u>	net countable income in January earnings

NET AVAILABLE INCOME

+	188	aid in January before overpayment adjustment
+	10	net countable income
+	50	support disregard received in January
+	30	\$30 disregard
\$278	<u>363</u>	net available income in January

- (5) CWD computes reduced income supplemental payment.

- (a) MAP for assistance unit is \$498535
- (b) 80% of MAP is \$398428
- (c) 80% of MAP is greater than the net available income (\$398428 > \$278363)
- (d) Reduced Income Supplemental Payment = 80% of MAP less net available income, or

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Reduced Income Supplemental Payment

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

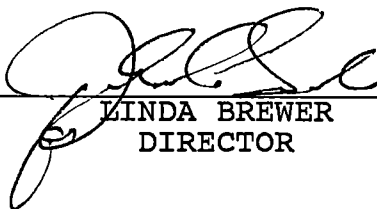
SEP 07 1989

At 4:49 o'clock P. M.
MARCH FONG EU, Secretary of State
By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0808-01


LINDA BREWER
DIRECTOR

09/07/89

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8-16-89

890823-022

(See Instructions on Reverse)

RDB #0489-11

FILED

In the office of the Secretary of State
of the State of California

SEP 11 1989

At 4:49 o'clock P. M.

MARCH FONG EU, Secretary of State

By Louella Cruz
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)
Rosalie Clark, Chief Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP SECTIONS ADOPTED: 63-087 and 63-501.3(k)(14)
SECTIONS AMENDED:
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
June 2, 1989
b. DATE OF FINAL AGENCY ACTION
August 16, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15-days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested; provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikethrough to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Adopt Section 63-087 to read:

63-087 IMPLEMENTATION OF RESOURCE AND INCOME 63-087
EXCLUSIONS FOR RELOCATION RESTITUTION RECEIVED BY
JAPANESE AND ALEUTIANS FOR INJUSTICES DURING WORLD
WAR II (PL 100-383).

- .1 Effective June 1, 1989 the CWDs shall implement the adopted provision. The section affected is 63-501.3(k).

Authority Cited: Sections 10553, 10554, and 18904, Welfare
and Institutions Code.

Reference: Section 18901, Welfare and Institutions
Code.

Adopt MPP Section 63-501.3(k)(14) to read:

63-501 RESOURCE DETERMINATION (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded:

(a)-(j) (Continued)

(k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1)-(13) (Continued)

(14) Payments received as restitution pursuant to the Civil Liberties Act of 1988, by individuals of Japanese ancestry who were interned during World War II; and payments received by Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island pursuant to the Aleutian and Pribilof Islands Restitution Act, for injustices suffered while under United States control during World War II (Public Law 100-383).

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; Public Law (PL) 100-383 [Title I, Section 105(f)(2), and Title II, Section 206(d)(2)]; and 31 USC Section 3803(c)(2)(C)(vii).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

SEP 11 1989

At 4:49 o'clock P. M.

MARCH FONG EU, Secretary of State

By Jonella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0823-02

Linda Brewer
LINDA BREWER
DIRECTOR

09/11/89

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8-8-89

FILED

In the Office of the Secretary of State
of the State of California

SEP 0 8 1989

At 4:49 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Luella Cruz*
Deputy Secretary of State

For use by Secretary of State only

ENDORSED
APPROVED FOR FILING

SEP - 6 1989

Office of Administrative Law

For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED:
Division 12, Section 102416
SECTIONS AMENDED:
Division 12, Sections 101216, 101217, and 102417
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPCC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
May 5, 1989
b. DATE OF FINAL AGENCY ACTION
August 8, 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 101216 to read:

101216 PERSONNEL REQUIREMENTS (Continued)

101216

- (m) All personnel shall be informed of their rights pursuant to Sections 1596.881 and 1596.882 of the Health and Safety Code.

*** HANDBOOK BEGINS HERE ***

Health and Safety Code Section 1596.881 provides in part:

Employees shall be notified in writing at the time of employment of their rights under this chapter, as evidenced by their signature on a notification form outlining actions protected by this section. Forms to be utilized for this purpose shall be kept on file at the facility. The Department shall provide each facility with the notification forms, which shall include information regarding enforcement pursuant to relevant Labor Code sections.

Health and Safety Code Section 1596.882 provides in part:

A claim by the employee alleging the violation by the employer of Section 1596.881 shall be presented to the employer within 45 days after the action as to which complaint is made and presented to the Division of Labor Standards Enforcement not later than 90 days after the action as to which complaint is made.

*** HANDBOOK ENDS HERE ***

- (1) The licensee shall provide each employee with a copy of the notice form (LIC 9052 (4/88)) furnished by the Department.
- (A) Each employee shall be requested to sign and date the notice form acknowledging receipt.
- (B) A copy of the signed notice form shall be retained in the employee's personnel record.
- (C) If the employee refuses to sign the notice form, a dated notation to that effect shall be retained in the employee's personnel record.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.880, 1596.881 and 1596.882,
Health and Safety Code.

Amend Section 101217 to read:

101217 PERSONNEL RECORDS

101217

(a) Employment application forms shall be completed and maintained on each employee; shall be available to the licensing agency for review; and shall contain the following information: (Continued)

(10) A signed and dated copy of LIC 9052 (4/88) - Notice of Employee Rights.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.880, 1596.881 and 1596.882,
Health and Safety Code.

Adopt Section 102416 to read:

102416

PERSONNEL REQUIREMENTS

102416

- (a) All personnel shall be informed of their rights pursuant to Sections 1596.881 and 1596.882 of the Health and Safety Code.

*** HANDBOOK BEGINS HERE ***

Health and Safety Code Section 1596.881 provides in part:

Employees shall be notified in writing at the time of employment of their rights under this chapter, as evidenced by their signature on a notification form outlining actions protected by this section. Forms to be utilized for this purpose shall be kept on file at the facility. The Department shall provide each facility with the notification forms, which shall include information regarding enforcement pursuant to relevant Labor Code Sections.

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*** HANDBOOK ENDS HERE ***

- (1) The licensee shall provide each employee with a copy of the notice form (LIC 9052 (4/88)) furnished by the Department.
- (A) Each employee shall be requested to sign and date the notice form acknowledging receipt.
- (B) A copy of the signed notice form shall be retained in the employee's personnel record.

(C) If the employee refuses to sign the notice form, a dated notation to that effect shall be retained in the employee's personnel record.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.880, 1596.881 and 1596.882, Health and Safety Code.

Amend Section 102417 to read:

102417 **OPERATION OF A FAMILY DAY CARE HOME**
 (Continued)

102417

- (o) A signed and dated copy of LIC 9052 (4/88), Notice of Employee Rights, shall be maintained in the employee's personnel record.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.880, 1596.881 and 1596.882,
 Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

FILED

In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

SEP 0 6 1907

At 4:49 o'clock P. M.

MARCH FONG EU, Secretary of State

By Louella [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0809-01


LINDA BREWER
DIRECTOR

09/06/89

FACE SHEET

(See Instructions on Reverse)

FILED

Office of the Secretary of State
of the State of California

1989 AUG 15

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 14 1989

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

CERT

State Department of Social Services
(AGENCY)

L. S. Muhl

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 9-15-89

SEP 14 1989

At 5:10 o'clock P. M.
MARION FONG EU, Secretary of State
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one)
☒ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
SECTIONS ADOPTED: _____
Title 22 See attached
SECTIONS AMENDED: _____
SECTIONS REPEALED: _____
b. The following sections listed in 3a contain modifications to the text originally made available to the public: (see list attached)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☒ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
May 20, 1989
b. DATE OF FINAL AGENCY ACTION
AUG 15 1989
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
July 28, 1989 - August 11, 1989
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

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- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

ATTACHMENT

3. a.

Title 22

Sections Adopted: 87700, 87701, 87702, 87702.1,
87703, 87704, 87705, 87706, 87707, 87708, 87709,
87710, 87711, 87712, 87713, 87714, 87715, 87720,
87721 and 87722.

Sections Amended : 87101.

Sections Repealed: None

3. b.

The following sections listed in 3a contain
modifications to the text originally made available
to the public:

Title 22

Sections 87101, 87701, 87702, 87702.1, 87703,
87704, 87705, 87706, 87707, 87708, 87709, 87710,
87711, 87712, 87713, 87714, 87715, 87720, 87721,
and 87722.

TITLE 22 CALIFORNIA CODE OF REGULATIONS

Chapter 8 Residential Care Facilities for the Elderly (RCFE)

Article 8 Incidental Medical Services

Section

87700	Health & Safety Protection
87701	Prohibited Health Conditions
87702	Allowable Health Conditions
87702.1	General Requirements for Allowable Health Conditions
87703	Oxygen Administration
87704	Intermittent Positive Pressure Breathing Machine (IPPB)
87705	Colostomy/Ileostomy
87706	Enema and/or Suppository and Fecal Impaction Removal
87707	Indwelling Urinary Catheter/Catheter Procedure
87708	Managed Bowel and Bladder Incontinence
87709	Contractures
87710	Diabetes
87711	Injections
87712	Protective Supervision
87713	Healing Wounds
87714	Transfer Dependency
87715	PRN (pro re nata) Medication
87720	Incidental Medical Related Services Appeals
87721	Incidental Medical Related Services Exceptions
87722	Licensing Agency Review

Amend Section 87101 to read:

87101 DEFINITIONS (Continued)

87101

(5) Appropriately Skilled Professional: Means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Registered Nurse, Licensed Vocational Nurse, Physical Therapist, Occupational Therapist and Respiratory Therapist.

(6) through (22) (Continued)

(23) Healing wounds include cuts, stage one and two dermal ulcers as diagnosed by a physician, and incisions that are being treated by an appropriate skilled professional with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

(24) through (~~48~~27) (Continued)

(~~28~~) Instruction: Means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure.

(~~28~~9) through (~~48~~7) (Continued)

(~~48~~) Supervision: Means to oversee or direct the work of an individual or subordinate but does not necessarily require the immediate presence of the supervisor.

(~~48~~9) (Continued)

(~~48~~50) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.157, 1569.17, 1569.19, 1569.20, 1569.21, 1569.30, 1569.312, 1569.44, 1569.47 and 1569.82, Health and Safety Code.

Chapter 8 Residential Care Facilities for the Elderly (RCFE)

Article 8 Incidental Medical Services

87700 HEALTH & SAFETY PROTECTION

87700

- (a) Acceptance by the licensee of residents with incidental medical needs shall be in accordance with the conditions specified in this article.
- (b) The provisions of this article shall be applicable and in conjunction with Articles 1 through 7 of this chapter.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Section 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87701 to read:

87701 PROHIBITED HEALTH CONDITIONS

87701

- (a) In addition to Section 87582(c), ~~the following~~ persons shall not be received in a Residential Care Facility for the Elderly (RCFE) who require health services ~~for~~ or have a health condition including but not limited to those specified below:
- (1) Prescriptions or medications to be administered on an as needed or PRN (pro re nata) basis except as specified in Section 87715.
 - (2) Inability to turn in bed without assistance or to transfer to or from bed independently except as specified in Section 87714.
 - (3) Catheter care except as specified in Section 87707.
 - (4) Colostomy/ileostomy care except as specified in Section 87705.
 - (5) Contractures except as specified in Section 87709.
 - (6) Dermal Ulcers, except as specified in Section 87713.
 - (7) Diabetes except as specified in Section 87710.
 - (8) Enemas, suppositories, and/or fecal impaction removal except as specified in Section 87706.
 - (9) Gastrostomy care.
 - (10) Incontinence of bowel and/or bladder except as specified in Section 87708.
 - (11) Injections except as specified in Section 87711.
 - (12) Intermittent Positive Pressure Breathing Machine use except as specified in Section 87704.
 - (13) Administration of oxygen except as specified in Section 87703.
 - (14) Use of liquid oxygen.
 - ~~(14)~~ Naso-gastric tubes.
 - ~~(15)~~ Protective supervision except as specified in Section 87712.
 - ~~(16)~~ Staph infection or other serious infection.

(178) Residents who depend on others to perform all activities of daily living for them as ~~specified~~ set forth in Section 87584.

(189) Tracheostomies.

(1920) Wound care except as specified in Section 87713.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87702 to read:

87702 ALLOWABLE HEALTH CONDITIONS

87702

- (a) A licensee shall be permitted to accept or retain in a Residential Care Facility for the Elderly persons who have a health condition(s) ~~or related health~~ which requires incidental medical services ~~needs~~ including, but not limited to, those specific situations specified in Sections 87703 through 87715 of this chapter.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87702.1 to read:

87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE
HEALTH CONDITIONS

87702.1

- (a) The licensee shall complete and maintain a current, written record of care for each resident that includes, but is not limited to, the following:
- (1) Documentation from the physician of the following:
 - (A) Stability of the medical condition(s);
 - (B) Medical ~~care needs~~ condition(s) which require ~~intervention and need for supervision of~~ incidental medical ~~care needs~~ services;
 - (C) Method of intervention
 - (D) Resident's ability to perform the procedure/; and
 - (E) An appropriately skilled professional shall be identified who will perform the procedure if the resident needs assistance.
 - (2) The name, address and telephone number of vendors and appropriately skilled professionals providing ~~care~~ services.
 - (3) Emergency contacts.
- (b) In addition to Section 87565(c), facility staff shall have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.
- (c) In addition to Sections 87587 and 87591, the licensee shall monitor the ability of the resident to provide self care for the allowable health condition and document any change in that ability.
- (d) In addition to Sections 87575(a) and 87590(d) the licensee shall ensure that the resident is cared for in accordance with the physician's orders and that the resident's medical needs are met.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87703 to read:

87703 OXYGEN ADMINISTRATION

87703

- (a) The licensee shall be permitted to accept ~~and~~ or retain a resident who requires the use of oxygen administration under the following circumstances:

- (1) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.

OR

- (2) If intermittent administration of oxygen by an appropriately skilled professional has been approved by the Licensing Agency..

- (b) In addition to Section 87702.1, ~~the licensees who admit or retain residents who require the use of oxygen shall comply with~~ be responsible for the following:

- (1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.
- (2) Ensuring that oxygen administration is provided by an appropriately skilled professional should the resident require assistance.
- (3) Ensuring that the use of oxygen equipment ~~complies with~~ meets the following requirements:
- (A) A report ~~is~~ shall be made in writing to the local fire jurisdiction that oxygen is in use at the facility.
- (B) "No Smoking-Oxygen in Use" signs ~~are~~ shall be posted in the appropriate areas.
- (C) Smoking ~~is~~ shall be prohibited where oxygen is in use.
- (D) All electrical equipment ~~is~~ shall be checked for defects which may cause sparks.
- (E) ~~Secure~~ Oxygen tanks shall be secured in a stand or ~~secure~~ to the wall.

- (F) Under no circumstances shall long plastic tether lines to the main source of oxygen be permitted.
 - (G) Oxygen from a portable source shall be used by residents when they are outside of their rooms.
 - (H) Equipment ~~is~~ shall be operable.
 - (I) Equipment ~~is~~ shall be removed from the facility when no longer in use by the resident.
- (4) Determining that room size can accommodate equipment in accordance with Section 87577.
 - (5) Ensuring that facility staff have knowledge of, and ability in the operation of the oxygen equipment.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87704 to read:

87704 INTERMITTENT POSITIVE PRESSURE BREATHING 87704
 (IPPB) MACHINE

(a) The licensee shall be permitted to accept or retain a resident who requires the use of an IPPB machine under the following circumstances:

(1) If the resident is mentally and physically capable of operating his/her own equipment and is able to determine his/her own need.

OR

(2) If IPPB administration by an appropriately skilled professional has been approved by the Licensing Agency.

(b) In addition to Section 87702.1, ~~the licensee who administers or retains residents who require the use of IPPB machines~~ shall ~~comply with~~ be responsible for the following:

(1) Monitoring of the resident's ongoing ability to operate the equipment in accordance with the physician's orders.

(2) Ensuring that the IPPB procedure is administered by an appropriately skilled professional should the resident require assistance.

(3) ~~As~~Ensuring that the use of the IPPB equipment ~~complies with~~ meets the following requirements:

(A) Equipment ~~is~~ shall be operable.

(B) Equipment ~~is~~ shall be removed from the facility when no longer in use by the resident.

(4) Determining that room size can accommodate equipment in accordance with Section 87577.

(5) Ensuring that facility staff have knowledge of and ability in the operation of the IPPB equipment.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87705 to read:

87705 COLOSTOMY/ILEOSTOMY

87705

- (a) The licensee shall be permitted to accept ~~and~~ or retain a resident who has a colostomy or ileostomy under the following circumstances:
- (1) If the resident is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed.
- OR
- (2) If assistance in the care of the ostomy is provided by an appropriately skilled professional and this arrangement has been approved by the licensing ~~Agency~~.
- (b) In addition to Section 87702.1, ~~the licensees who admit or receive residents with a colostomy or ileostomy~~ the licensees who admit or receive residents with a colostomy or ileostomy shall comply with be responsible for the following:
- (1) Ensuring that ostomy care is provided by an appropriately skilled professional.
 - (A) When an exception is granted by the licensing agency as specified in Section 87721, the ostomy bag and adhesive may be changed by facility staff under the supervision and instruction of this professional.
 - (B) There shall be written documentation by the professional outlining instruction of the procedures to facility staff.
 - (2) Ensuring that used bags are discarded as specified in Section 87691(f)(1).
 - (3) ~~Ensuring that~~ Privacy is shall be afforded when ostomy care is provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87706 to read:

87706 ENEMA AND/OR SUPPOSITORY AND FECAL
 IMPACTION REMOVAL

87706

- (a) The licensee shall be permitted to ~~admit~~ accept or retain a resident who requires manual fecal impaction removal, enemas, or use of suppositories under the following circumstances:

(1) Self care by the resident.

(~~1~~2) Manual fecal impaction, enemas, and/or suppositories shall be permitted if administered according to physician's orders by either the resident or an appropriately skilled professional.

- (b) In addition to Section 87702.1, the licensees who admit or retain residents who require the use of enemas, suppositories, or fecal impaction removal shall comply with ~~be responsible for~~ the following:

(1) Ensuring that the administration of enemas or suppositories or manual fecal impaction removal is performed by an appropriately skilled professional should the resident require assistance.

(2) ~~Ensuring that~~ Privacy is ~~shall be~~ afforded when care is being provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87707 to read:

87707 INDWELLING URINARY CATHETER/CATHETER 87707
PROCEDURE

(a) The licensee shall be permitted to ~~admit~~ accept or retain a resident who requires the use of an indwelling catheter under the following circumstances:

(1) If the resident is physically and mentally capable of caring for all aspects of the condition except insertion and irrigation.

(A) Irrigation shall only be performed by an appropriately skilled professional in accordance with the physician's orders.

(B) A catheter shall only be inserted and removed by an appropriately skilled professional under physician's orders.

(b) In addition to Section 87702.1, ~~the licensee who admit or retain residents who require the use of indwelling catheters shall comply with~~ be responsible for the following:

(1) Ensuring that insertion and irrigation of the catheter ~~is~~ shall be performed by an appropriately skilled professional.

(2) Ensuring that the bag~~s~~ and tubing are changed by an appropriately skilled professional should the resident require assistance.

(A) When an exception is granted by the licensing agency as specified in Section 87721, the bag may be emptied by facility staff who receive supervision and instruction from the appropriately skilled professional.

(B) There shall be written documentation by the appropriately skilled professional outlining the instruction of the procedures to facility staff.

(3) Ensuring that waste materials ~~are~~ shall be disposed of as specified in Section 87691(f) (1).

(4) ~~Ensuring that~~ Privacy is shall be maintained when care is provided.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b);
and 1569.312; Health and Safety Code.

Amend Section 87708 to read:

87708

MANAGED BOWEL AND BLADDER INCONTINENCE

87708

- (a) The licensee shall be permitted to accept or retain a resident who has a manageable bowel and/or bladder incontinence condition under the following circumstances:

- (1) If the condition can be managed with any of the following:

(A) Self care by the resident.

~~(B)~~ A structured bowel and/or bladder retraining program to assist the resident in restoring a normal pattern of continence.

~~(C)~~ A program of scheduled toileting at regular intervals.

~~(D)~~ The use of incontinent care products to keep the resident clean and dry by means of incontinence pads or disposable diapers at all times.

- (b) In addition to Section 87702.1, ~~the licensee who admit or retain residents who require care for bowel and/or bladder incontinence~~ shall ~~comply with~~ be responsible for the following:

- (1) Ensuring that residents who can benefit from scheduled toileting are assisted or reminded to go to the bathroom at regular intervals rather than being diapered.
- (2) Ensuring that incontinent residents are checked during those periods of time when they are known to be incontinent, including during the night.
- (3) Ensuring that incontinent residents are kept clean and dry.
- (4) Ensuring that bowel and/or bladder programs are designed by an appropriately skilled professional with training and experience in care of elderly persons with bowel and/or bladder dysfunctions and development of retraining programs for restoration of normal patterns of continence.
- (5) Ensuring that the appropriately skilled professional developing the bowel and/or bladder program provide training to ~~the~~ facility staff responsible for implementation of the program.

- (6) Ensuring that re-assessments of the resident's condition and the evaluation of the effectiveness of the bowel and/or bladder program be performed ~~as determined by the~~ an appropriately skilled professional ~~who ordered and/or developed the program.~~
- ~~(7) Ensuring that used diapers and pads are disposed of as specified in Section 878911111111~~
- (87) ~~Ensuring that~~ Privacy ~~is~~ shall be afforded when care is provided.
- (98) Ensuring that fluids are not withheld to control incontinence.
- (109) Ensuring that an incontinent residents ~~are~~ is not catheterized to control incontinence for the convenience of the licensees.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87709 to read:

87709

CONTRACTURES

87709

(a) The licensee shall be permitted to ~~admit~~ accept or retain a resident who has contractures under the following circumstances:

(1) If the contractures do not ~~restrict the resident's mobility~~ or severely affect functional ability and the resident is able to care for the contractures by him/herself.

OR

(2) If the contractures do not ~~restrict the resident's mobility~~ or severely affect functional ability and care and/or supervision is provided by an appropriately skilled professional and approved by the Licensing Agency.

(b) In addition to Section 87702.1, the licensees ~~who admit or retain residents who have contractures~~ shall ~~comply with~~ be responsible for the following:

(1) Ensuring that range of motion exercises or other exercise(s), if prescribed by the physician, are performed by an appropriately skilled professional or by facility staff who receive supervision and instruction from an appropriately skilled professional.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87710 to read:

87710

DIABETES

87710

- (a) The licensee shall be permitted to ~~admit~~ accept or retain a resident who has diabetes if the resident is able to perform his/her own glucose testing with blood or urine specimens, and is able to administer his/her own medication including medication administered orally or through injection, or has it administered by an appropriately skilled professional.
- (b) In addition to Section 87702.1, ~~the licensee who admit or retain residents who have diabetes~~ shall ~~comply with~~ be responsible for the following:
- (1) Assisting residents with self-administered medication as specified in Section 87575.
 - (2) Ensuring that sufficient amounts of medicines, testing equipment, syringes, needles and other supplies are maintained ~~in the facility~~ and ~~are~~ stored in the facility as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).
 - (4) Providing modified diets as prescribed by a resident's physician as specified in Section 87576(b)(7).

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87711 to read:

87711

INJECTIONS

87711

- (a) The licensee shall be permitted to ~~admit~~ accept or retain a residents who requires intramuscular, ~~injections~~ subcutaneous, or intradermal injections if the injections are administered by the resident or by an appropriately skilled professional.
- (b) In addition to Section 87702.1, the licensees who admit or retain residents who require injections shall ~~comply with~~ be responsible for the following:
- (1) Ensuring that injections are administered by an appropriately skilled professional should the resident require assistance.
 - (2) Ensuring that sufficient amounts of medicines, test equipment, syringes, needles and other supplies are maintained in the facility and are stored as specified in Section 87575(c).
 - (3) Ensuring that syringes and needles are disposed of as specified in Section 87691(f)(2).

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87712 to read:

87712 PROTECTIVE SUPERVISION

87712

(a) The licensee shall be permitted to ~~admit~~ accept or retain a resident who requires protective supervision under the following circumstances:

(1) If the residents ~~are~~ is mildly confused, able to follow instructions, and can be protected from harming ~~themselves~~ him/herself or others and the facility can meet the needs ~~for~~ of the residents ~~protective supervision by~~.

OR

(2) If the residents ~~are~~ is severely confused, ~~has~~ haves difficulty making ~~their~~ his/her needs known, and/or ~~has~~ haves difficulty following instructions and the facility has additional precautions to protect the residents and approval from the ~~Licensing Agency~~ Licensing Agency has been obtained ~~protective supervision by~~.

(b) In addition to Section 87702.1, the licensees ~~who admit or retain residents who require protective supervision~~ shall ~~comply with~~ be responsible for the following:

(1) Ensuring that staffing is adequate to provide the supervision for those who require it while meeting the needs of all facility residents.

(2) Ensuring that the facility has ~~the~~ an appropriate fire clearance as specified in Sections 87689 and 87110(b).

(3) Ensuring that the facility has a written plan for meeting the needs of residents who require protective supervision

(4) Ensuring that in addition to Section 87691 safety of the physical plant shall include, but not be limited to, the following:

(A) Ranges, heaters, wood stoves, inserts, and other heating devices are made inaccessible.

(B) Swimming pools and other bodies of water are fenced.

(C) Knives, matches, firearms, tools and other items that could constitute a danger to the residents are stored where they are inaccessible to the residents.

- (D) Over-the-counter medication in addition to ~~those~~ medications specified in Section 87575 and all toxic substances such as plants and cigarettes are made inaccessible.
 - (F) Yards shall be completely fenced, with self-closing latches and gates.
 - (F) Exterior doors shall include an operational bell/buzzer or other auditory devices to alert staff when the door is opened.
 - (G) The furniture and the equipment ~~are~~ shall be safe ~~and appropriate~~.
- (5) Ensuring that facility staff ~~has~~ have training in the proper care of persons requiring protective supervision.
- (A) Such training shall be from training, educational, or other institutions including, but not limited to, Alzheimers treatment centers.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87713 to read:

87713

HEALING WOUNDS

87713

(a) The licensee shall be permitted to ~~add~~ accept or retain a resident who has a healing wound under the following circumstances:

(1) When care is ~~provided~~ performed by or under the supervision of an appropriately skilled medical professional, and is approved by the ~~L~~licensing ~~A~~gency.

(2) When the wound is the result of surgical intervention and care is performed as directed by the surgeon.

(A) This would include the insertion of eyedrops following cataract surgery.

(3) Residents accepted or retained pursuant to Section 87713(a) with a stage one or two dermal ulcer must have the condition diagnosed by a physician and receive care for the dermal ulcer from an appropriately skilled professional.

(A) The provision of care under Section (3) above shall be approved prior to admission of the resident by the licensing agency. Licensing agency approval shall include an evaluation of the cause of the dermal ulcer.

(B) All aspects of care performed by the medical professional and facility staff shall be documented in the resident's file.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87714 to read:

87714 TRANSFER DEPENDENCY

87714

(a) The licensee shall be permitted to accept ~~and~~ or retain a resident who cannot independently transfer to and from bed under the following circumstances:

(1) An appropriate fire clearance is obtained.

(2) An exception has been approved by the Licensing ~~A~~gency.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b);
 and 1569.312; Health and Safety Code.

Amend Section 87715 to read:

87715

PRN MEDICATIONS

87715

- (a) The licensee shall be permitted to accept ~~and~~ or retain a resident who requires as needed or PRN including prescription or nonprescription medications under the following circumstances:
- (1) The resident is able to determine his/her own need for the PRN medication.
- OR
- (2) The doctor is contacted to make the determination for the PRN medication if the resident cannot determine his/her own need.
- (b) There shall be written detailed instructions on the prescription label, including the symptoms which might require the use of the medication, the exact dosage, exact time frames between doses and the maximum dosage to be given in a 24-hour period.
- (c) In addition to Section 87702.1, ~~the licensee who admit or retain residents who require PRN medications shall comply with~~ be responsible for the following:
- (1) Document date and time of contacts with the doctors.
- (2) Maintenance of a record that indicates the date and time and effect of the PRN medication was given and the resident's response.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87720 to read:

87720 INCIDENTAL MEDICAL RELATED SERVICES
 APPEALS

87720

- (a) The licensee may ~~request an~~ appeal if ~~they~~ he/she disagrees with the health condition determination made by the licensing agency by submitting a written request ~~for an~~ appeal to the licensing agency within 10 days of ~~the~~ receipt of the determination.
- (b) All appeals submitted by the licensee shall be in writing and shall include, but not be limited to, the following:
- (1) The reason for disagreeing with the determination by the ~~L~~icensing ~~A~~gency and why the licensee believes that the resident's condition falls within the allowable limits for an RCPE.
 - (2) Letters of support from the resident's physician and/or responsible person.
 - (3) Letter of support from the appropriate placement agency, if any.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b);
 and 1569.312; Health and Safety Code.

Amend Section 87721 to read:

87721 INCIDENTAL MEDICAL RELATED SERVICES 87721
 EXCEPTIONS

(a) As specified in Section 87116 the licensee may submit a written exception request if he/she agrees that the resident has a prohibited health condition but believes that the intent of the law can be met through alternative means.

~~(b) All exceptions meeting the criteria outlined in section 87116 shall be granted.~~

(~~b~~) Written requests shall include, but are not ~~be~~ limited to, the following:

(1) Documentation of the resident's current health ~~infection~~ condition including updated medical reports, other documentation of the current health, prognosis, and expected duration of condition.

(2) The ~~facility~~ licensee's plan for ensuring that the resident's health related needs can be met by the facility.

(3) Plan for minimizing the impact on other residents.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 87722 to read:

87722

LICENSING AGENCY REVIEW

87722

- (a) Certain health-related conditions as specified in Sections 87703 through 87715 may require review by the licensing staff to determine if the resident will be allowed to remain in the facility. The licensing ~~analyst~~ agency shall inform the licensee that the health-related condition of the resident requires review and shall specify documentation which the licensee ~~needs to~~ shall submit to the ~~district office required by sections 87881, 87887 and 87888~~ licensing agency.
- (1) Documentation shall include, but not be limited to the following:
- (A) Physician's assessment(s).
- (B) Pre-admission appraisal.
- (C) Copies of prescriptions for incidental ~~medical~~ services and/or medical equipment.
- ~~Any plan for minimizing the impact on other residents.~~
- (2) The documentation shall be submitted to the Licensing Agency within 10 days.
- (b) If the Licensing Agency determines that the resident ~~shall be allowed to remain~~ has an allowable condition, the licensee shall provide care to the resident in accordance with the conditions specified in Sections 87703 through 87715.
- (c) If the Licensing Agency determines that the resident has a prohibited health condition as specified in Section 87701, the licensee shall be notified and shall then submit a plan for relocating the resident and shall be informed of their appeal rights as specified in sections 87720 and 87721.
- (1) The notification to the licensee shall include notice of all appeal and exception rights.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

SEP 14 1989

At 5:10 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Linda Stockdale Brewer*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Department of Social Services

DAL File No: 89-0914-03 E

Linda Stockdale Brewer
for LINDA STOCKDALE BREWER
DIRECTOR

9/14/89
Date

FACE SHEET

RDB #0389-06

(See Instructions on Reverse)

1989 AUG 29 11:10 08

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 21 1989

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8-18-89

FILED

In the office of the Secretary of State
of the State of California

SEP 21 1989

At 4:30 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Muello*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark and James Rhoads Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

(FORMERLY 15-305) 15-310

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 15-305

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 5, 1989

b. DATE OF FINAL AGENCY ACTION AUG 18 1989

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) July 28, 1989 to August 11, 1989

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☒ Effective on 10/1/89 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

#3A
Circled
request
8/21/89

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon
Director

8-26-88
Date

Amend Section 15-310 to read:

15-310

QUALITY CONTROL ERROR IDENTIFICATION
PROCESS

15-310

1. ~~Using random case samples selected by the State Department of Social Services (SDSS) for AFDC/ and Food Stamp sampled cases selected by the county based upon start and interval numbers provided by SDSS/~~ The county shall perform quality control reviews each month beginning with the October 1978 review month for AFDC-FG and U cases and beginning with the October 1987 review month for food stamp cases. The county shall use random case samples selected by SDSS for AFDC, and Food Stamp sampled cases selected by the county based upon start and interval numbers provided by SDSS. Review forms and procedures ~~must~~ shall comply with federal and state quality control standards and state reporting requirements. ~~Counties with fewer than 1400 AFDC/FG and U cases are not required to review the state sample for either the AFDC or Food Stamp caseloads/~~

- .11 Reviews are required in counties where one percent of AFDC aid payment dollars is equal to, or greater than, the cost of performing AFDC and Food Stamp Program quality control sample reviews. The AFDC aid payment dollars used shall be cumulative AFDC payments made during the most recent federal fiscal year (October through September). Quality control reviews shall begin the following October if the criterion is met.

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- .111 Those counties which were required to perform quality control reviews under the 1,400 AFDC caseload criterion, but which are not required to perform reviews under the new criterion, shall have the option of continuing to perform reviews as if they met the new criterion.

- .112 Example 1

County A granted \$16,500,000 in cumulative AFDC benefit payments during the most recent federal fiscal year. The dollar value of one percent in County A is \$165,000.

The cost of funding positions to perform AFDC and Food Stamp quality control sample reviews for one year in County A is \$160,000.

Since \$165,000 is greater than \$160,000, County A will be required to perform QC sample reviews beginning the following October.

.113 Example 2

County B granted \$15,000,000 in cumulative AFDC benefit payments during the most recent federal fiscal year. The dollar value of one percent in County B is \$150,000.

The cost of funding positions to perform AFDC and Food Stamp quality control sample reviews for one year in County B is \$155,000.

Since \$150,000 is less than \$155,000, County B will be not required to perform QC sample reviews.

.12 The results of the county reviews will be used by the county to establish error rates using the appropriate formula as follows:

(A).121 For AFDC:

The sum amount of error payments to all ineligible cases added to the sum amount of overpayments to all eligible cases equals the total amount of error payments. Divide the total amount of error payments by the total amount of payments to all AFDC cases completed in the review sample. The resulting quotient is the county AFDC error rate.

(B).122 For Food Stamps:

The sum total of F\$ food stamp allotments issued to ineligible cases, added to the sum total of F\$ food stamp allotments overissued to eligible cases, added to the sum total of F\$ food stamp allotments underissued to eligible cases, equals the total F\$ food stamp error payments. Divide the total F\$ food stamp allotment error payments by the total amount of F\$ food stamp allotments issued to all F\$ food stamp cases completed in the review sample. The resulting quotient is the county F\$ food stamp error rate.

.13 Counties may conduct additional reviews to enhance local ~~quality control~~ / corrective action/quality control efforts.

Authority Cited: Sections 10553 and 10554, Welfare and
Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

SEP 21 1989

At 4:30 o'clock P. M.
MARCH FONG EU, Secretary of State
By [Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-0829-01

[Signature]
LINDA BREWER
DIRECTOR

09/21/89

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RDB #08921 **FILED**
In the office of the Secretary of State
of the State of California

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended, or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

L. S. Muhl

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 9-13-89

SEP 20 1989

At 4:30 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Luella Cruz*
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

SEP 20 1989

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

44-102

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A	b. DATE OF FINAL AGENCY ACTION 9/13/89	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
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- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
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 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

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- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 44-102 to read:

44-102 AVAILABILITY OF INCOME

44-102

All ~~receipts~~ of income shall be considered currently available during the month received, except ~~as specified in all bill and~~ ~~as follows:~~

- a. INTEREST INCOME - Interest income which is received on a regular basis, but less frequently than monthly, shall be apportioned equally over the number of months it has ~~been~~ accrued beginning with the month after receipt.
- b. CONTRACTUAL INCOME - ~~An employee's~~ Income an employee receives under an annual contract of employment shall ~~have the income~~ from such contract be apportioned equally over the period of the contract beginning with the first month of the contract when he works and receives income from such contract in fewer than twelve (12) months, but more than eight (8) months.
- c. CHILD SUPPORT - ~~Except as provided in sections 43-203.12 and 43-203.15,~~ Child support collected by the county shall not be considered available to the recipient, other than as provided in Sections 43-203.12 and 43-203.15.
- d. LUMP SUM REMAINDER - Any income remaining after computing the period of ineligibility due to the receipt of nonrecurring lump-sum income shall be considered income in the first month following the period of ineligibility. See Section 44-207.4.
- e. MONTHLY RECURRING UNEARNED GOVERNMENTAL BENEFITS - Monthly benefits (e.g., Social Security benefits, or Veterans benefits, etc.) shall be considered to be available in the month the payment was intended, rather than actually received, when the income meets the following criteria:
 1. The receipt date of the income varies because mailing cycles cause two payments to be received in one month and none in the preceding or following month;
 2. The source of income is a governmental benefit program; and
 3. The income is unearned and recurring.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11450.5, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

SEP 2 - 1989

At 4:30 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Luella Cruz*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-0915-04

Linda Brewer
LINDA BREWER
DIRECTOR

09/20/89

FACE SHEET

89-1005-02R
(See Instructions on Reverse)

1989 OCT -5 PM 4:00

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 12 1989

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

10-3-89

FILED

In the office of the Secretary of State
RDB #0288-08

OCT 12 1989

At 4:24 o'clock P. M.

MARCH FONG EU, Secretary of State

By Lanella Cruz
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE Rosalie Clark, Chief, Regulations Development Bureau TELEPHONE (916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 89553 and 89860
SECTIONS AMENDED: _____
SECTIONS REPEALED: 89925
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 89953
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? OAL file no.
☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: June 16, 1989 (89-0616-03)
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER November 4, 1988 b. DATE OF FINAL AGENCY ACTION OCT 04 1989 c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) September 6-20, 1989
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☒ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

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- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
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FILING REQUIREMENTS

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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

1) Adopt new Section 89553 to read:

89553 APPLICATION FEES

89553

- (a) Each application for a Permit to Sell Deposit Subscriptions/Certificate of Authority shall include payment to the Life Care Provider Fee Fund of 80 percent of the application fee which is calculated pursuant, for the purposes of this subsection, to Health and Safety Code Section 1791(a)(1) as one-tenth of one percent of the estimated construction cost or purchase price of the facility.
- (b) Payment to the Life Care Provider Fee Fund of the remainder of the application fee shall be made at or before the time of issuance of the provisional or final Certificate of Authority, whichever is issued first. The application fee shall be calculated pursuant to Health and Safety Code Section 1791(a)(1) as one-tenth of one percent of the actual construction cost or purchase price of the facility less the payment included with the application.

Authority Cited: Section 1781, Health and Safety Code.

Reference: Sections 1791(a)(1) and 1793, Health and Safety Code.

2) Adopt new Section 89860 to read:

89860 ANNUAL PROVIDER FEES

89860

Each annual audit and report shall include a payment to the Life Care Provider Fee Fund in the amount of one-tenth of one percent of the portion of total operating expenses, excluding debt service and depreciation, from audited income statements, which has been allocated to life care contract residents. Such allocation shall be based on the ratio of the mean number of life care residents to the mean number of total residents.

Authority Cited: Section 1781, Health and Safety Code.

Reference: Section 1791(a)(2) and 1793, Health and Safety Code.

3) Repeal Section 89925

89925 ESCROWED DEPOSIT SUBSCRIPTIONS NOT TO BE USED FOR 89925
COLLATERAL

Deposit subscriptions or accommodation fees held in escrow shall not be pledged as security for any loan or other obligation prior to their release as specified in Section 89943 and the terms of the deposit subscription agreement.

Authority Cited: Section 1781, Health and Safety Code.

Reference: Sections 1773.5, 1779.3(b), 1780 and 1781,
Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

MAR 12 1989

At 4:24 o'clock P.M.

MARCH FONG EU, Secretary of State

By Anella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1005-02


LINDA BREWER
DIRECTOR

10/12/89

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RDB #0889-30

FILED

In this office of the Secretary of State
of the State of California

OCT 27 1989

At 4:23 o'clock P.M.

MARCH EDNG EJ, Secretary of State

By Louella Cruz
Deputy Secretary of State

1989 OCT 13
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR
OCT 27 1989

State Department of Social Services

(AGENCY)

L. S. Michel

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10-16-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
TITLE Rosalie Clark, Chief, Regulations Development Bureau
TELEPHONE 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED:
Section 63-088
SECTIONS AMENDED:
Sections 63-102, 300, 301, 501, 502, 503, 504 and 505.
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
N/A
b. DATE OF FINAL AGENCY ACTION
10/16/89
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☒ Effective on 11/1/89 (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

<u>63-088</u>	<u>IMPLEMENTATION OF REGULATIONS FOR THE HUNGER PREVENTION ACT OF 1988 (P.L. 100-435)</u>	<u>63-088</u>
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- Reference: 7 CFR 272.1(g)

Amend MPP Section 63-102; reformat and redesignate Sections 63-102e. (1) (1)through (8) to (A) through (C) and (G) through (K) and adopt (D), (E) and (F); amend newly designated (B) to read:

63-102 DEFINITIONS

63-102

e. (1) "Elderly or disabled member" means a member of a household who:

(1A) is 60 years of age or older;

(2B) receives Supplemental Security Income (SSI) benefits under Title XVI, or disability or blindness payments under Title II (Social Security Disability Insurance Program) of the Social Security Act;

HANDBOOK BEGINS HERE

1. In accordance with Section 63-402.22, SSI recipients shall be included as a member of the household for purposes of household composition. However, they shall be excluded from the household for the purpose of determining household size, eligibility or benefit level.

HANDBOOK ENDS HERE

(3C) receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act;

(D) receives interim assistance benefits pending receipt of SSI, provided that the eligibility to receive those benefits is based upon disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act;

(E) receives disability-related medical assistance under Title XIX (Medi-Cal) of the Social Security Act;

(F) receives disability-based general assistance benefits, provided that the eligibility to receive those benefits is based upon disability or blindness criteria which are at least as stringent as those used under Title XVI of the Social Security Act;

(AG) is a veteran with a service-connected or nonservice-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the United States Code;

- (5H) is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;
- (6I) is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;
- (7J) is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
- (8K) receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or Section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2

Amend MPP Section 63-300.41 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.4 Interviews (Continued)

- .41 The CWD, at the time of the interview, shall determine which households shall be subject to monthly reporting and/or retrospective budgeting, as specified in Section 63-505.2. Households subject to monthly reporting and/or retrospective budgeting requirements shall be provided with the following at the certification and recertification interviews:

.411 (Continued)

.412 (Continued)

.413 (Continued)

- .414 THE A telephone number (toll-free or a number where collect calls will be accepted from households living outside the local calling area) and name of an eligible worker which the household may call to ask questions or to obtain help in completing the monthly report.

HANDBOOK BEGINS HERE

- .415 The CWD may provide the name of a worker to contact.

HANDBOOK ENDS HERE

.42 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.21(c) and (c)(5)

Amend MPP Section 63-300.519 to read:

63-300 APPLICATION PROCESS

63-300

.5 Verification

.51 Mandatory Verification

The CWD shall verify the following information prior to certification for households initially applying:

.511-.518 (Continued)

.519 Disability

The CWD shall verify disability as defined in Section 63-102 (e). (1) as follows:

- (a) For an individual to be considered disabled under subsection 63-102 (2B) of the definition, the household must provide proof that the disabled individual is receiving Supplemental Security Income (SSI) benefits under Title XVI, or Disability Insurance Program benefits under Title II of the Social Security Act.
- (b) For an individual to be considered disabled under subsection 63-102 (4G) of the definition, the household must provide a statement from the VA which indicates that the disabled individual is receiving VA disability benefits for a service - or nonservice-connected disability which is rated or paid at the total rate by VA.
- (c) For an individual to be considered disabled under subsections 63-102 (5H) and (6I) of the definition, proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification of disability.
- (d) For an individual to be considered disabled under subsections 63-102 (7C) and (7J) of the definition, the CWD shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act for verifying disability.

(1) (Continued)

(2) (Continued)

(e) For an individual to be considered disabled under subsection ~~8K~~ (8K) of the definition, the household shall provide proof that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.

(f) For disability determinations which must be made relevant to Section 63-402.1~~86~~, the EW shall verify that an individual has a permanent disability by using the SSA listing of disabilities. However, only those individuals who suffer from one of the disabilities mentioned in the SSA list who are unable to purchase and prepare meals because of their disability shall be considered disabled for the purpose of this provision.

(1) through (3) (Continued)

(g) For individuals to be considered disabled under subsection (D) of the definition, the CWD shall verify through county records that the individual receives interim assistance benefits pending receipt of SSI. The CWD shall also verify that the benefits were conditioned on meeting disability or blindness criteria AT LEAST AS STRINGENT AS THOSE USED UNDER TITLE XVII (SSI) OF THE SOCIAL SECURITY ACT.

(h) For individuals to be considered disabled under subsection (E) of the definition, the CWD shall verify through county records that the individual receives disability-related medical assistance under title XIX (Medi-Cal) of the Social Security Act.

(i) For individuals to be considered disabled under subsection (F) of the definition, the CWD shall verify through county records that the individual receives disability-based general assistance benefits. The CWD shall also verify that the benefits were conditioned on meeting disability or blindness criteria AT LEAST AS STRINGENT AS THOSE USED UNDER TITLE XVI (SSI) OF THE SOCIAL SECURITY ACT.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(f)(1)(viii)(A)(6)

Amend MPP Section 63-301.54 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS
(Continued)

63-301

.5 Expedited Service (Continued)

.54 Special Procedures for Expediting Service (Continued)

.543 Households that are certified on an expedited basis and have provided all necessary verification required by Section 63-300.5 ~~prior to certification~~ within the expedited services time frame as specified in Section 63-301.541 shall be assigned a normal certification period.

(a) Households which apply for benefits after the 15th day of the month and have been determined eligible to receive benefits for the initial month and the subsequent month shall receive both allotments at the same time, in accordance with Section 63-503.16.

.544 For Nonmonthly reporting households that are certified on an expedited basis and, if verification was postponed, shall be assigned certification periods as follows:

(a) Those households that apply on or before the 15th day of the calendar or fiscal month shall be certified for one month only.

(1) Benefits for the initial month shall be prorated from the date the application was filed to the end of that calendar or fiscal month.

(2) Households shall reapply and complete the verification which was postponed, unless they have been certified under normal processing standards since the last expedited certification.

(b) Nonmonthly reporting households applying after the 15th day of the calendar or fiscal month shall be certified only for the month of application, and the subsequent month.

.545 Monthly reporting households with postponed verification shall be assigned a normal certification period in accordance with Section 63-504.1.

(a) (Continued)

(b) When households which apply for benefits after the 15th of the month provide the required postponed verification, the CWD shall issue the second month's benefits within five working days from receipt of the verification or the first day of the second calendar month, whichever is later. In CWDs that have staggered issuance, this shall be the first working day of the second calendar month, not the day benefits are issued using staggered issuance. This first working day of the calendar month issuance provision shall also apply to issuance in the third month for those migrant farmworker households needing out-of-state verification as outlined in Section 63-301.5485(c).

(c) (Continued)

(d) Households which applied for benefits after the 15th of the month who have not postponed verification shall be issued at least one full month's benefits before being placed in a staggered issuance cycle. If certified for more than one month, all households eligible for expedited service, who apply after the 15th of the month, shall be issued their first month's benefits within the expedited service time frames as specified in Section 63-301.53. In CWDs that have staggered issuance, the second month's benefits shall be issued on the first working day of the second calendar month, not the day benefits are issued using staggered issuance.

.54#6 (Continued)

.5487 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.2(b)(3)

Amend MPP Section 63-501.11 to read: .

63-501 RESOURCE DETERMINATIONS

63-501

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as provided by Section 63-501.8.

.1 Definition of Resources

In determining the resources of a household, the following shall be included and documented by the CWD in sufficient detail to permit verification:

- .11 Liquid resources, such as cash on hand, money in checking or savings accounts, earned income tax credit (EITC) advance payments, savings certificates, trust deeds, notes receivable, stocks or bonds, non-recurring lump sum payments, funds held in individual retirement accounts (IRAs) and funds held in accessible Keogh plans.

.111 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(14) and Federal Register, Vol.54, No. 107, June 6, 1989, Page 24152.

Amend and renumber MPP Section 63-501.3 (e) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources (Continued)

- (e) ~~Property such as farm land or work-related equipment, such as the tools of a tradesman or the machinery of a farmer,~~ which is essential to the employment or self-employment of a household member.

HANDBOOK BEGINS HERE

- (1) Property may be farmland or work-related equipment, such as the tools of a tradesman or the machinery of a farmer.

HANDBOOK ENDS HERE

- (2) Resources of a business that are separate and identifiable, such as, but not limited to, a checking account for the business, shall be considered exempt resources until such time as they are commingled or become unidentifiable.
- (3) When a household member ceases to be self-employed in farming, property which was essential to this self-employment will continue to be excluded as a resource for a period of one year from the date of termination.

(f) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.8(e)(5)

Adopt MPP Section 63-501.521(g) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.5 Resource Values (Continued)

.52 Handling of Licensed Vehicles. (Continued)

.521 The entire value of any licensed vehicle shall be excluded if the vehicle meets any of the following conditions: (Continued)

(g) Previously used by a self-employed household member engaged in farming but no longer used over 50 percent of the time in farming because the household member has terminated his/her self-employment from farming. The vehicle shall continue to be excluded as a resource for a period of one year from the date of termination.

.522 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.8(h)(1)(i)

Amend MPP Section 63-501.526 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.526 ~~Table~~ I Determining Value of Licensed Vehicles

TABLE I

Step 1	Step 2	Step 3
<u>Totally exclude if:</u>	<u>Determine Fair* Market Value (FMV)</u>	<u>Determine Equity Value* if Not Exempt for the Following Reasons:</u>
1. Income producing (over 50%)	1. Use "blue book" for wholesale basic value	1. Exempt under Step 1
2. Annually producing income consistent with FMV	2. If above cannot be used, then use: .Household verifi- cation .Newspaper ad .Tax assessment .Other reliable source	2. One car, regardless of use
3. Necessary to employ- ment other than daily commuting, e.g., traveling salesman		3. Used to accept or continue employment
4. Household home		4. Used to seek or attend training or education preparatory to employment
5. Used to transport a physically disabled household member		
6. <u>Previously used as income producing by household member self-employed in farming. Exclude for 1 year period from date of termination of self- employment in farming.</u>		
IF NONE OF THE ABOVE GO TO STEP 2	COUNT ONLY THE EXCESS OVER \$4500 FOR EACH VEHICLE AND IF THE TOTAL EXCESS DOES NOT EXCEED THE HOUSEHOLD'S MAXIMUM ALLOWABLE RESOURCE LIMIT THEN GO TO STEP 3	IF THE FMV AND EQUITY ARE DETERMINED FOR ANY ONE VEHICLE, ONLY THE GREATER OF THE TWO AMOUNTS SHALL BE COUNTED TOWARD THE HOUSEHOLD'S RESOURCE LIMITS

*Equity value equals FMV less encumbrances.

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 273.8(h)(1)(i)

Amend and renumber MPP Section 63-502.2 (a) and adopt Section 63-502.2(m) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) In-Kind Benefits

- (1) Any gain or benefit which is not in the form of money payable directly to the household, including nonmonetary or in-kind benefits, such as, but not limited to meals, clothing, public housing, or produce from a garden.

HANDBOOK BEGINS HERE

(1A) For Example:

If the employer provides housing to an employee, the value of the housing shall not be counted as income.

HANDBOOK ENDS HERE

- (2) Direct payments received in lieu of in-kind benefits due to the household's participation in a demonstration project authorized under federal law, or demonstration projects created by the waiver of federal provisions.

(b) through (1) (Continued)

- (m) Earned income tax credit (EITC) advance payments. These payments shall be counted as resources in accordance with Section 63-501.11.

- (1) If the pay stub does not indicate an EITC payment was received, no further action is required.

(2) If it is unclear from the pay stub what amount of EITC the recipient received, the CWD shall obtain clarification from the recipient and contact the employer if necessary to obtain the amount.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(1) and (c) (14)

Adopt MPP Section 63-503.16 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY
AND BENEFIT LEVELS

63-503

.1 Month of Application (Continued)

.16 Households which apply for benefits after the 15th day of the month and have been determined eligible to receive benefits for the initial month and the subsequent month, shall receive both allotments at the same time.

.161 CWDs have the option to provide both months' benefits in one combined allotment or as separate allotments as long as they are provided at the same time and within the time frame specified in Section 63-301.2 or Section 63-301.531 for expedited service.

.162 Benefits for the prorated initial month shall be provided in accordance with Section 63-503.13.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 274.2(b)(2)

Amend MPP Section 63-503.254 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT 63-503
LEVELS (Continued)

.2 Determining Resources, Income and Deductions (Continued)

.25 Determining Deductions For All Households
(Continued)

.254 Disallowed expenses. The following expenses are
not deductible:

(a) (Continued)

(b) An expense which is covered by an excluded
vendor payment that has been converted to
a direct cash payment under the approval
of a federally authorized demonstration
project [see Section 63-502.2 (a)(2)].

(c) (Continued)

(d) (Continued)

(e) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference: 7 CFR 273.10(d)(1)(i)

Adopt MPP Section 63-503.411(e) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.4 Households with Special Circumstances

.41 Households with Self-Employment Income (Continued)

.411 Monthly Reporting Households with
Self-Employment Income (Continued)

(e) If income is from a household member's self-employment in a farming operation and irregular expenses are incurred to produce that income, the household shall have the option to average the expenses and related income over a 12-month period.

.412 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.11(a)(1)(v) and 7 CFR 273.21(f)(2)(i)

Amend MPP Section 63-504.211 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.2 Notices of Action

.21 General Requirements

.211 A notice shall be considered adequate if it explains in easily understandable language the proposed action, the reason for the proposed action, the household's right to request a state hearing, and contains the telephone number ~~and name of the person~~ to contact for additional information, the availability of continued benefits, and the potential liability of the household for any overissuance received while awaiting a state hearing, if the hearing decision is adverse to the household. For households living outside the local calling area, the notice shall contain a toll-free number or a number where collect calls will be accepted. All notices shall contain the information necessary to be considered adequate.

HANDBOOK BEGINS HERE

.212 The CWD may provide the name of a worker to contact.

HANDBOOK ENDS HERE

.2123 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.10(g)(1)(i)(A) and (ii) and 7 CFR 273.13(a)(2)

Amend MPP Section 63-504.341 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.3 Monthly Reporting (Continued)

.34 CWD Action on a Complete CA 7 Requiring Additional
Verification/Information (Continued)

.341 The household shall provide with the CA 7
verification of the following items:

- (a) Dependent care costs which have changed since the last report or when there is questionable information which is inaccurate, incomplete, outdated, or inconsistent;
- (b) All allowable Mmedical expenses. However, if the household elects the option of reporting only changes of more than \$25 in total, verification is only required when the change is reported or when there is questionable information which is inaccurate, incomplete, outdated, or inconsistent;
- (c) Housing costs when first allowed as a deduction and when there is a move or change in amount or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent;
- (d) (Continued)
- (e) Actual utility costs, if the household is claiming the actual expenses when there is a change since the last report with each CA 7 submitted or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent;
- (f) through (h) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and
Institutions Code.

Reference:

7 CFR 273.21(i)(1) and (3)

Amend MPP Sections 63-504.411 and .42 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.4 Effecting Changes for Nonmonthly Reporting Households

.41 Change Report Form (DFA 377.5)

The CWD shall provide all households which are exempt from food stamp monthly reporting with a DFA 377.5, as specified in Sections 63-505.22.

.411 At a minimum, a DFA 377.5, shall be provided to each nonmonthly reporting household at the time of certification, at recertification, if the household needs a new form, and whenever a DFA 377.5 is returned by the household. It shall include a toll-free number or number where collect calls will be accepted for households living outside the local calling area.

.42 Action on Reported Changes for Prospectively Budgeted Households

.421 Continued

(a) Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the CWD shall not verify income, total medical expenses or actual utility expenses if the source has not changed which are unchanged or the amount has not have changed by more than \$25 since the last time they were verified or less. The CWD shall verify questionable information which is incomplete, inaccurate, inconsistent or outdated in accordance with Section 88-800.58.

.422 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.12(b)(1)(iv) and 7 CFR 273.2(f)(8)(ii)

Amend MPP Section 63-504.631 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.6 Recertification of All Households (Continued)

.63 Process for Recertifying Nonmonthly Reporting
Households

.631 The following verification requirements shall
apply at recertification:

- (a) The CWD shall verify a change in income/~~medical expenses~~, or actual utility expenses ~~claimed by a household~~ if the source has changed or the amount has changed by more than \$25.~~since the last time they were verified~~
- (b) The CWD shall verify previously unreported medical expenses and total recurring medical expenses which have changed by more than \$25.
- (c) Unchanged information, or changes of \$25 or less in income, total medical expenses or actual utility expenses shall not be verified at recertification, unless the except for questionable information which is questionable incomplete, inaccurate, inconsistent, or outdated.

.7 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(f)(8)(i)(A) and (C)

Amend MPP Section 63-505.1 to read:

53-505 HOUSEHOLD RESPONSIBILITIES

63-505

.1 Household Cooperation

.11 To determine eligibility, ~~the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.~~

.111 Complete and sign the application form;

.112 Be interviewed;

.113 Verify certain information on the application;
and

.114 Obtain a photo identification card ~~in counties where photo ID cards are mandated it is as a condition of participation, that a household member or its authorized representative obtain a photo identification card unless exempt under Section 63-504.87.~~

(a) If a designated authorized representative does not comply, the household may designate a household member or another authorized representative to be photographed.

.12 Refusal to Cooperate with the CWD

.121 If the household, including excluded household members identified in Section 63-402.22, refuses to cooperate with the CWD in completing this process, the application shall be denied at the time of refusal.

(a) For a determination that household refusal has occurred, the household must have been able to cooperate, and clearly demonstrated that it chose not to take such actions as are required to complete the application process.

(b) If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied.

- .122 Refusal to disclose a Social Security Number (SSN) is an exception to the denial of the entire household. When an individual is required to give his/her ~~Social Security Number~~ SSN and has refused to comply, the eligibility of the other household members will not be affected (see Section 63-404).
- .123 The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review.
- .124 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until the household cooperates.
- .113 Refusal to Cooperate with a Quality Control (QC) Reviewer
- .131 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until:
- (a) ~~if~~ The household cooperates; or
 - (b) ~~if~~ The household reapplies at least 95 days after the end of the annual review period in which the refusal to cooperate with a nonfederal QC reviewer occurred; or
 - (c) ~~if~~ The household reapplies after seven months from the end of the annual review period in which the refusal to cooperate with a federal QC reviewer occurred.
- .132 These households shall provide verification of all eligibility requirements, including items that would normally only be verified if questionable, as specified in Section 63-300.53.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(d)(1)

Amend MPP Section 63-505.2 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.2 Monthly Reporting/Retrospective Budgeting Households

All households participating in the Food Stamp Program except as provided in Section 63-505.221, shall report household circumstances monthly on the CA 7 as a condition of eligibility. Households shall not be required to submit any reports of changes other than the CA 7.

.21 The following households shall be excluded from monthly reporting and retrospective budgeting. See Section 63-504.43 for those households receiving PA.

.211 Migrant farmworker households, as defined in Section 63-102(m).

.212 Seasonal farmworker households.

.2123 Households in which all adult members are elderly or disabled, as defined in Section 63-102(e), and have no earned income.

.214 Households in which all members are homeless individuals, as defined in Section 63-102(h)(1).

122 The following households shall be excluded from monthly reporting (See Section 63-504.43 for those households receiving PA)

1221 Migrant farmworker households while they are excluded from retrospective budgeting

1222 Households with no earned income whose adult members are all elderly or disabled shall be excluded from monthly reporting for the Food Stamp Program

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.21(b)

Adopt MPP Section 63-505.34 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.3 Reported Information for Monthly Reporting Households

Households shall report on a monthly basis, the following information about the household: (Continued)

.34 All allowable medical expenses unless the household elects to report only changes of \$25 in total.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.21(h)(3)(iii)

Amend MPP Section 63-505.4 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.4 Verification Responsibilities for Monthly Reporting Households

Monthly reporting households shall provide verification of the following information reported on the CA 7:

(a) (Continued)

(b) Dependent care costs with each CA 7 when there is a change in the source or amount and when there is questionable information which is inaccurate, incomplete, outdated or inconsistent.

(c) Medical expenses with each CA 7. However if the household elects the option of only reporting changes of more than \$25 in total, then verification is only required when the change is reported or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent.

(d) (Continued)

(e) Actual Utility costs, with each CA 7 when if the household is claiming actual utility costs expenses, when there is a change since the last report or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent.

(f) Shelter costs when the household moves or when there is a change in the amount or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent.

(g) through (i) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.21(i)(1)

Amend MPP Section 63-505.511 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.5 Reporting Changes for Households Excluded from Monthly Reporting Requirements

.51 Household Responsibility to Report (Continued)

.511 Changes in the sources of income, in the amount of gross monthly income or total medical expenses of more than \$254 (see Section 63-502.33).

(a) Changes in the public assistance or the general assistance grant are not required to be reported. Since the CWD has prior knowledge of all changes in these grants, action shall be taken on the CWD information. ~~ADDITIONALLY~~

(b) ~~W~~Households are not required to report changes in income that result from Social Security COLAs.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.12(a)(1)(vi)

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

OCT 21 1989

At 4:23 o'clock P. M.

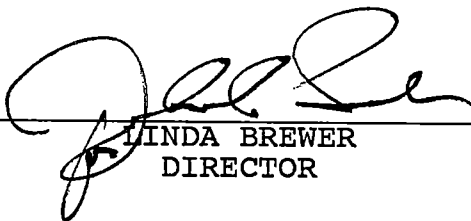
MARCH FONG EU, Secretary of State

By Linda Brewer
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1019-07


LINDA BREWER
DIRECTOR

10/27/89

FACE SHEET

(See Instructions on Reverse)

1989 OCT 19 PM 4:16

OFFICE OF
ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted and not repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY

Department of Social Services
(AGENCY)

Lil S. McNeil
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10-19-89

RDB #0989-38

FILED

In this office of the Secretary of State
of the State of California

OCT 21 1989

At 4:23 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Lonella Cruz*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

63-085

SECTIONS AMENDED:

63-502.2 and 63-503.13

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission
(Include FPPC approval stamp)

☐ Building Standards Commission
(Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF FINAL AGENCY ACTION

October 19, 1989

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s): _____

d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☒ Effective on 11-1-89 (Designate effective date *later than* the normal effective date for the type of order filed.)

#9
change per agency
BE
repealed
10/27/89

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

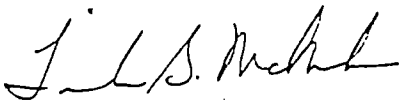
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

Adopt Section 63-085 to read:

63-085 IMPLEMENTATION OF DISASTER ASSISTANCE ACT
(PL 100-387)

63-085

- .1 Effective November 1, 1989, the CWDs shall implement the amended or adopted provisions in Sections 63-502.2(b)(2)(D) and 63-503.13 for all new food stamp applications and continuing cases.
- .2 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made:
 - .21 Upon request by the household;
 - .22 At recertification;
 - .23 When the case is next reviewed; or
 - .24 When the CWD becomes aware that a review is needed, whichever occurs first.
- .3 Restored benefits to any entitled households are to be provided back to the date of application or September 1, 1988, whichever occurred later.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g)(109)(i), 273.9(c)(1)(ii)(E), and 273.10(a)(1)(ii).

Amend Section 63-502.2(b)(2) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions (Continued)

(b) Vendor payments. Money that is not legally obligated to be paid to the household, but which is paid to a third party for a household's expense by a person or organization outside of the household. (Continued)

(2) A PA or GA payment shall be considered an excludable vendor payment and not counted as income to the household if such PA or GA payment is for: (Continued)

(D) Housing assistance payments made to a third party on behalf of a household residing in temporary housing (see section 63-102.2(YYY)) which lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption. Such vendor payments shall be excluded under this provision if paid to the housing provider during the period beginning October 20, 1987 and ending September 30, 1989.

(D) Emergency assistance provided to a third party on behalf of a migrant or seasonal farmworker household during the period the household is in the job stream.

HANDBOOK BEGINS HERE

1. This assistance may include, but is not limited to, emergency vendor payments for housing or transportation.

HANDBOOK ENDS HERE

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.9(c)(1)(ii)(D) and (E).

Amend Section 63-503.13 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT
LEVELS

63-503

.1 Month of Application (Continued)

.13 A household's benefit level for a) the initial month of certification, or b) the first month for which the household is certified for participation in the Food Stamp Program following any period during which the household was not certified for participation, shall be prorated from the date the application is received in the appropriate office, ~~1999 04/01/00 03/30/00/01/~~ except for migrant and seasonal farmworker households. Migrant and seasonal farmworker households which have a break in participation of 30 days or less shall not have their benefits prorated. They shall receive benefits for the whole month.

.131 Using a calendar or fiscal month, households shall receive benefits prorated from the date of application to the end of the month. Refer to Handbook Section 63-1101 for Reciprocal Table for computing first month benefits.

.1312 After determining the prorated allotment, the CWD shall round the product down to the nearest lower whole dollar. If the computation results in an allotment of less than \$10, then no issuance shall be made for the whole month.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.10(a)(1)(ii).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In this office of the Secretary of State
of the State of California

OCT 21 1989

At 4:23 o'clock P. M.

MARCH FONG EU, Secretary of State

By Louella Cruz
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-1019-08


LINDA BREWER
DIRECTOR

10/27/89

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RDB #0989-37

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

NONSUBSTANTIVE

FILED
In this office of the Secretary of State
of the State of California

OCT 31 1989

At 420 o'clock P.M.
MARCH FONG EU, Secretary of State
By Deputy Secretary of State

1989 SEP 29 AM 9:38

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

OCT 3 1989

Office of Administrative Law

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

9-27-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED:

80041, 80058, 87105, 87340, 87457

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: N/A

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

N/A

September 27, 1989

N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. *Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.*

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

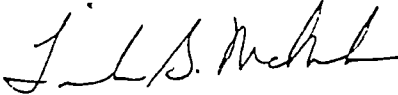
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief
Regulations Development Bureau

James Rhoads, Assistant Chief
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.


Linda S. McMahon
Director

8-26-88
Date

TITLE 22**COMMUNITY CARE FACILITIES****§ 80041****(Register 89, No. 3—1-21-89)****(p. 2334.1)****Article 4. Administrative Actions****80040. Denial of Initial License.**

(a) Except as specified in Section 80030, which provides for issuance of a provisional license based upon substantial compliance and urgent need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.

(1) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section 80058 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.

(2) An application for initial licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5 (c) of the Health and Safety Code, on his/her own child(ren).

(b) If the application for an initial license is denied, the licensing agency shall mail the applicant a written notice of denial.

(1) The notification shall inform the applicant of and set forth the reasons for the denial, and shall advise the applicant of the right to appeal.

(c) If the application for an initial license is denied, the application processing fee shall be forfeited.

(d) An applicant shall have the right to appeal the denial of the application pursuant to Health and Safety Code Section 1526.

(e) Notwithstanding any appeal action, the facility is unlicensed and shall not operate pending adoption by the director of a decision on the denial action.

NOTE: Authority cited: Sections 1523 and 1530, Health and Safety Code. Reference: Sections 1520, 1523, 1525, 1526, 1528, 1547 and 1548, Health and Safety Code.

HISTORY:

1. New subsection (a) (1) filed 6-5-84; effective thirtieth day thereafter (Register 84, No. 23).

2. Amendment filed 12-22-87; operative 1-21-88 (Register 88, No. 2).

3. Amendment of subsection (a) filed 8-17-88; operative 9-16-88 (Register 88, No. 34).

4. Change without regulatory effect of subsection (a) pursuant to Section 100, Title 1, California Code of Regulations filed 1-9-89 (Register 89, No. 3).

80041. Denial of a Renewal License.

(a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:

(1) The licensee is not in substantial compliance, as defined in Section 80001(a) (47), with applicable law and regulation at the time of the renewal.

(2) Failure to substantially comply with licensing requirements has resulted in the Department's action to suspend or revoke the license or to seek other remedies as provided by law.

(3) The licensee has failed to pay any civil penalty assessments pursuant to Section 80054 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.

(4) The licensee refuses or fails to pay the renewal processing fee as specified in Section 80036(b) (2).

TITLE 22**COMMUNITY CARE FACILITIES**

§ 80059

(Register 89, No. 15—4-15-89)

(p. 2337)

80058. Unlicensed Facility Penalties.

(a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:

(1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 80006, and continues to operate.

(A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 80018.

(B) The completed application shall be deemed to be submitted when received by the licensing agency.

(2) Unlicensed operation continues after denial of the initial application.

(A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed facility as follows:

(1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.

(A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 80058(a) (1) (A) and (B).

(2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A) The \$200 per day penalty shall continue until the operator ceases operation.

(c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification.

(1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.

(2) Notwithstanding (a) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(d) All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.

(e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1503.5, 1508, 1520, 1533, 1538, 1540, 1540.1, 1541, 1547 and 1549, Health and Safety Code.

HISTORY:

1. New section filed 8-17-88; operative 9-16-88 (Register 88, No. 34).

80059. Unlicensed Facility Administrative Appeal.

(a) An unlicensed facility operator or his/her representative shall have the right to appeal the penalty assessment within 10 working days after service of the penalty assessment.

TITLE 22**COMMUNITY CARE FACILITIES**

§ 87106

(Register 89, No. 16—4-22-89)

(p. 2454.1)

(48) Waiver. "Waiver" means a variance to a specific regulation based on a facility-wide need or circumstance which is not typically tied to a specific resident or staff person. Requests for waivers are made to the licensing agency, in advance, by an applicant or licensee.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.157, 1569.17, 1569.19, 1569.20, 1569.21, 1569.30, 1569.312, 1569.44, 1569.47 and 1569.82, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering former Section 87101 to Section 87100, and renumbering and amendment of former Section 87100 to Section 87101 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.
2. New subsections (a) (5) and (a) (23) and renumbering of following subsections filed 4-18-89 as an emergency; operative 4-18-89 (Register 89, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-16-89.

Article 2. License**87102. License Required.**

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.10, 1569.45 and 1569.44, Health and Safety Code.

HISTORY:

1. Amendment filed 8-17-88; operative 9-16-88 (Register 88, No. 34).
2. Change without regulatory effect renumbering Section 87102 to Section 87105 filed 11-17-88 (Register 88, No. 49).

87104. Integral Facilities.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1530, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering Section 87104 to Section 87108 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

87105. License Required.

(a) Pursuant to Health and Safety Code, Section 1569.10, any individual or legal entity providing or intending to provide care and supervision to the elderly in a residential facility shall obtain a current valid license pursuant to the provisions of this chapter. This shall not require an adult residential facility to relocate a resident who becomes 60 nor to change licensing category, provided that the resident's needs remain compatible with those of other residents, and the licensing agency has approved an exception request.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.10, 1569.44 and 1569.45, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering Section 87102 to Section 87105 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

87106. Operation Without a License.

(a) An unlicensed facility as defined in Section 87101 (a) (44) is in violation of Section 1569.10, 1569.44 and/or 1569.45 of the Health and Safety Code unless the facility is exempted from licensure under Section 87107 (a).

(b) If the facility is alleged to be in violation of Section 1569.10 and/or 1569.44 and/or 1569.45 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code Section 1569.35.

(c) If the facility is operating without a license, the licensing agency shall

§ 87308
(p. 2454.20)

COMMUNITY CARE FACILITIES

TITLE 22

(Register 89, No. 6—2-11-89)

87308. Administrative Review.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering Section 87308 to Section 87455 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

87310. Unlicensed Facility Penalties.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.3, 1569.10, 1569.11, 1569.14, 1569.145, 1569.15, 1569.19, 1569.20, 1569.21, 1569.22, 1569.312, 1569.35, 1569.44, 1569.45, 1569.485 and 1569.495, Health and Safety Code.

HISTORY:

1. New section filed 8-17-88; operative 9-16-88 (Register 88, No. 34).
2. Change without regulatory effect renumbering Section 87310 to Section 87457 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

87311. Unlicensed Facility Administrative Appeal.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.10, 1569.44, 1569.45 and 1569.485, Health and Safety Code.

HISTORY:

1. New section filed 8-17-88; operative 9-16-88 (Register 88, No. 34).
2. Change without regulatory effect renumbering Section 87311 to Section 87458 filed 11-17-88 (Register 88, No. 49).

87340. Denial of Initial License.

(a) Except as specified in Section 87231(a), which provides that the applicant may be issued a provisional license based upon substantial compliance and immediate need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulations.

(b) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section 87310 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made. 457

(c) If the application for an initial license is denied, the application renewal processing fee shall be forfeited.

(d) If the application for an initial license is denied, the licensing agency shall send a written notice of denial by certified mail. The notification shall inform the applicant of the denial; set forth the reasons for the denial; and advise the applicant of the right to appeal.

(e) An applicant may appeal the denial of the application by sending a written notice of appeal to the licensing agency within 15 days of the postmark date of the denial notice.

(f) The licensing agency shall, upon receipt of the notice of appeal, advise the applicant in writing of the appeal procedure.

(g) The proceedings to review such denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

NOTE: Authority cited: Sections 1569.18 and 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.15, 1569.17, 1569.18, 1569.20, 1569.21, 1569.22, 1569.30, 1569.485, 1569.49, 1569.51, 1569.52 and 1569.53, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering Section 87414 to Section 87340 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

§ 87457
(p. 2454.22.6)

COMMUNITY CARE FACILITIES

TITLE 22

(Register 88, No. 49—12-3-88)

87457. Unlicensed Facility Penalties.

(a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:

(1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 87016.

(A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 87218.

(B) The completed application shall be deemed to be submitted when received by the licensing agency.

(2) Unlicensed operation continues after denial of the initial application.

(A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed facility as follows:

(1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.

(A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 87310(a)(1)(A) and (g).⁴⁵⁷

(2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A) The \$200 per day penalty shall continue until the operator ceases operation.

(c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in 1569.44 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification.

(1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.

(2) Notwithstanding (c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(d) All penalties shall be due and payable upon receipt of the Notice of Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.

(e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.3, 1569.10, 1569.11, 1569.14, 1569.145, 1569.15, 1569.19, 1569.20, 1569.21, 1569.22, 1569.312, 1569.35, 1569.44, 1569.45, 1569.485 and 1569.495, Health and Safety Code.

HISTORY:

1. Change without regulatory effect renumbering Section 87310 to Section 87457 filed 11-17-88 (Register 88, No. 49). For prior history, see Register 88, No. 34.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION
OF
APPROVAL

FILED
In this office of the Secretary of State
of the State of California

OCT 31 1989
At 4:20 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: Social Services

OAL File No: 89-0929-01

[Signature]

LINDA BREWER
DIRECTOR

10/31/89
